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ABSTRACT

This document presents information, guidelines, and resource materials to help law enforcement administrators address issues related to recruiting and retaining women in law enforcement. Its 14 chapters contain the following sections: statement of the problem; legal issues; possible solutions, model policies, and practices; expert assistance, reference materials, contact persons, and other useful information; and a checklist. The chapter topics are as follows: the advantages of hiring and retaining more women; assessing a law enforcement agency; developing job descriptions; recruiting quality candidates; removing obstacles in the selection process; designing quality recruit academies and field training programs; mentoring to increase retention; valuing civilian employees; implementing family-friendly

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policies; monitoring performance evaluations; assignments and promotion; preventing sexual and gender harassment, discrimination, and retaliation; ensuring impartial internal investigations and discipline systems; and developing effective awards and recognition programs. The following are among the items appended: the Feminist Majority Foundation and National Center for Women and Policing' study "Gender Differences in the Cost of Police Brutality and Misconduct: A Content Analysis of LAPD (Los Angeles Police Department) Civil Liberty Cases: 1990-1999"; job descriptions from selected police departments; sample recruiting posters; and sample policies on various topics. Concluding the guide are lists of 6 areas for further research, 105 works cited, and 20 suggested additional resources. (MN)

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Recruiting & Retaining Women

A Self-Assessment Guide for Law Enforcement

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Recruiting & Retaining Women

A Self-Assessment Guide for Law Enforcement

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A Self-Assessment Guide for Law Enforcement
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TO: **LAW ENFORCEMENT ADMINISTRATORS**

RE: ***RECRUITING & RETAINING WOMEN: A SELF-ASSESSMENT GUIDE FOR LAW ENFORCEMENT***

As a police chief, I too was faced with issues of ensuring that my department was diverse, that the community felt confident with the quality of services provided by the police department, and that the employees were productive and treated in a fair manner. Now, as the director of the *National Center for Women & Policing*, I spend a great deal of time talking to law enforcement leaders and women in law enforcement from agencies across the country who contact us for assistance on gender-related issues. The main question from administrators is always "How can I recruit and retain women in my agency?" The main questions from women in law enforcement are about sexual harassment, obstacles to promotion, and pregnancy policies. I have often found myself repeatedly giving the same advice to people who called the NCWP. An exhaustive search of reference libraries and other resources led us to conclude there was no one single document that law enforcement executives and women officers could read to obtain the answers to these questions. The U.S. Department of Justice, Bureau of Justice Assistance agreed, and provided funding for the development of the attached guide.

In developing this guide, we wanted to identify the issues that you, as law enforcement leaders, must deal with when trying to increase the numbers of women in your agencies, providing sound, practical advice about possible solutions. As a former chief of police and an advocate for more women in policing, I have a unique perspective on these problems. Even though this document focuses on gender-related issues, you will find that many of the same resources and solutions will assist you in dealing with issues of other protected classes. We hope you will find the information useful and that the guide will become a document that you frequently refer to when addressing gender issues.

In order to continue to provide assistance to you, we will be posting updated information on our website and encourage you to check it on a regular basis to learn about the latest programs to address gender equity. (See our website, www.feminist.org/police/ncwp.html.) Please feel free to call our office with any questions or to obtain information about our many training programs. We are also available to provide you with on-site technical assistance in addressing gender issues. Our goal is to provide you with the information and assistance you need to be successful in recruiting and retaining women in law enforcement.

Penny E. Harrington

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National Center for Women & Policing

A division of the Feminist Majority Foundation, the National Center for Women & Policing (NCWP), promotes increasing the numbers of women at all ranks of law enforcement as a strategy to reduce police excessive force, strengthen community policing reforms, and improve police response to violence against women. Research conducted in the United States and internationally demonstrates that women police officers utilize a style of policing that relies less on physical force, are better at defusing potentially violent confrontations and less likely to become involved in use of excessive force, and respond more effectively to violence against women. The NCWP:

- works to educate criminal justice policy makers, the media and the public about the impact of increasing the representation of women in policing; ensures that gender is included in the analysis of contemporary policing issues and reform efforts; and promotes initiatives aimed at gender balancing law enforcement agencies.

- produces and disseminates original research on issues relevant to women in the field of law enforcement. The NCWP's publications and materials are the most authoritative available and in frequent demand by the news media and criminal justice policymakers and researchers.

- provides direct assistance, training, and extensive materials to law enforcement agencies seeking to increase the representation of women within their ranks. The NCWP sponsors an annual leadership development conference for command level women in local, state, and federal law enforcement.

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How the Self-Assessment Guide Was Developed

The *National Center for Women & Policing* received a grant from the U.S. Department of Justice, Bureau of Justice Assistance to provide technical assistance to law enforcement agencies by developing a self-assessment guide to assist agencies seeking to recruit and retain more women in sworn law enforcement positions. An Advisory Board was established consisting of state, county and municipal law enforcement executives and members of other professional organizations representing law enforcement leaders and minority groups in law enforcement.

After a draft of the sections on job description, recruiting, selection, and mentoring were developed and approved by the Advisory Board, they were sent for field testing to Captain Mike Prynch at the Boise, Idaho, Police Department and Colonel Richard Rappoport at the Fairfax County, Virginia, Police Department. Each department reviewed the sections and utilized the checklists to examine their own agency's policies and procedures. Both departments provided valuable input regarding the content and format of the guide. Based on this input, the remaining sections of the guide were prepared and sent back to the participating agencies for review.

The members of the Advisory Board reviewed and provided detailed input on several drafts of the guide during its development.

The *National Center for Women & Policing* expresses its appreciation to Colonel J. Thomas Manger, Fairfax County, Virginia, Police Department and Chief Donald Pierce, Boise, Idaho, Police Department for agreeing to serve as test locations for the guide. Their cooperation and the input of their staff were vital to providing a valuable product for other law enforcement agencies.

Acknowledgments

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Preface

How this Self-Assessment Guide is Organized

The *National Center for Women & Policing* developed this manual, *Recruiting & Retaining Women: A Self-Assessment Guide for Law Enforcement,* to assist law enforcement agencies in hiring and retaining more women employees. The step by step guide is designed to help agencies examine their policies and procedures and to identify and remove obstacles to hiring and retaining sworn and civilian women employees at all levels within the organization. The guide also provides a list of resources for agencies to use when planning or implementing changes to their current policies and procedures.

The Guide Contains Chapters Addressing the Following Issues:

- Hiring and retaining more women: The advantages to law enforcement agencies
- Assessing a law enforcement agency
- Developing a job description
- Recruiting quality candidates
- Removing obstacles in the selection process
- Designing quality recruit academies and field training programs
- Mentoring to increase retention
- Valuing civilian employees
- Implementing family-friendly policies
- Monitoring performance evaluations
- Assignments and promotions
- Preventing sexual and gender harassment, discrimination, and retaliation
- Ensuring impartial internal investigation and discipline systems
- Developing effective awards and recognition programs

Each Chapter of the Guide Contains the Following Sections:

Statement of the Problem

For administrators to improve their policies and procedures for hiring and retaining women, a clear understanding of the issues covered in each chapter is necessary. In this section, the most common problems found in law enforcement agencies are discussed in detail. These problem statements are not intended to be accusatory, but were developed to assist agencies in gaining a more thorough understanding of the obstacles that exist to hiring and retaining women.

Legal Issues

Here, administrators are alerted to aspects of the issues covered in each chapter that may require legal input and review. Federal laws and court cases are sometimes cited. Due to variations in state and local laws, it is impossible to provide specific legal information for every agency. Since the area of employment law is frequently the subject of litigation and collective bargaining agreements, all changes to personnel policies and procedures should be reviewed with legal counsel before being implemented.

Possible Solutions, Model Policies and Practices

This section provides solutions that may assist agencies in removing obstacles to hiring and retaining women. These suggestions are very detailed and give practical guidance about each issue discussed in the problem statement. Whenever possible, model policies in use by other law enforcement agencies have been included.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

In this section, references, resources, and points of contact are provided for persons or agencies with pertinent expertise and innovative programs. In addition, a complete bibliography of related articles is included at the end of the guide. (For updated information on innovative programs and model policies, contact information, and bibliographies, see our website at http://www.feminist.org/police/ncwp.html.)

Checklist

A comprehensive checklist provides an overview of the steps involved at each stage of the self-assessment process. At a glance, users of the manual can determine whether they have reviewed key policies and practices impacting each major area of agency operations being assessed.

No manual can be comprehensive enough to cover all areas of police personnel practices. Furthermore, there are many differences between law enforcement agencies and the environment in which any specific agency operates. This manual recognizes those differences, and is intended to provide broad direction and insight into what steps can be undertaken by an agency undertaking a self-assessment process. Agency size and organizational configuration should be considered, along with state and local laws and regulations, before the guide is used or modified for use by an agency.

This manual is oriented primarily for medium to large law enforcement agencies, although the general philosophies should be applicable regardless of the agency size. The terminology used most often is that of a municipal police agency, but the manual is also applicable for sheriffs departments, state agencies such as state police, highway patrol, departments of public safety, as well as other law enforcement agencies such as game and fish, park and marine, university and school police, and federal law enforcement units.

The *National Center for Women & Policing* disclaims any liability or responsibility for the consequences of any actions taken in reliance on the statements or opinions expressed in this manual. The materials contained herein are not intended to establish policy, procedure, or a standard of care. Readers should consult a legal advisor familiar with state and federal employment law prior to altering their policies and procedures.

Chapter 1

Hiring and Retaining More Women: The Advantages to Law Enforcement Agencies

In 1968, the Indianapolis Police Department made history by assigning the first two female officers to patrol on an equal basis with their male colleagues.[1] Since that time, women have entered the field of law enforcement in increasing numbers and played a critical role in the development of modern policing. Yet, the number of women in law enforcement has remained small and the pace of increase slow. The most recent research shows that only 14.3% of sworn personnel are female, with an annual increase of only 0.5% over the last several years.[2] At this rate, women will not achieve parity within the police profession for at least another 70 years, and many have cautioned that time alone is not sufficient to substantially increasing their numbers.[3]

In today's economy, law enforcement agencies are facing enormous challenges recruiting qualified candidates,[4] yet traditional strategies for recruitment frequently overlook an entire pool of potential applicants – women.[5] The purpose of this self-assessment guide is to provide a clear and concrete blueprint for addressing this historic neglect by removing the many built-in obstacles to hiring and retaining more women in law enforcement. First, however, we outline why these measures are critically needed by documenting the many advantages that women officers bring to law enforcement agencies.

Law enforcement today is facing a crisis — a crisis of public confidence and trust in the wake of police corruption scandals that are unparalleled in recent history. Highly publicized incidents of police use of excessive force have generated headlines in cities around the country. Police brutality and corruption lawsuits are costing taxpayers millions of dollars each year, and their numbers and costs are only increasing.[6] Money paid out in settlements and judgments is money that could otherwise be spent on crime prevention and treatment programs, on schools, social services, and other community programs that reduce crime.

At the same time, police leaders and executives are under pressure to implement community or service-oriented policing, transforming the very nature of the relationship between law enforcement and the communities they serve. Nationwide, communities are demanding a shift in focus from their law enforcement agencies toward a more modern approach that emphasizes communication and cooperation with citizens as well as informal problem solving.

What Does All of This Have to do With the Question of Hiring and Retaining More Women?

Research conducted both in the United States and internationally clearly demonstrates that women police officers rely on a style of policing that uses less physical force. They are better at defusing and de-escalating potentially violent confrontations with citizens and less likely to become involved in problems with use of excessive force. Additionally, women officers often possess better communication skills than their male counterparts and are better able to facilitate the cooperation and trust required to implement a community policing model. In an era of costly litigation, hiring and retaining more women in law enforcement is likely to be an effective means of addressing the problems of excessive force and citizen complaints.

As an additional benefit, female officers often respond more effectively to incidents of violence against women – crimes that represent one of the largest categories of calls to police departments.[7,8] Increasing the representation of women on the force is also likely to address another costly problem for police administrators – the pervasive problem of sex discrimination and sexual harassment – by changing the climate of modern law enforcement agencies. Because women frequently have different life experiences than men, they approach policing with a different perspective, and the very presence of women in the field will often bring about changes in policies and procedures that benefit both male and female officers.

All of these factors can work to the advantage of those in the police profession and the communities they serve. These advantages will be discussed in greater detail below to provide impetus for the type of improvements outlined throughout the self-assessment guide. We begin with the research demonstrating that female officers are equally capable as their male counterparts, and go on to summarize some of the work documenting the unique advantages that women offer to the contemporary field of law enforcement.

Six Advantages for Law Enforcement Agencies That Hire and Retain More Women

1. Female Officers Are Proven to be as Competent as Their Male Counterparts.

A number of early evaluations were conducted to determine the effectiveness of male versus female officers in law enforcement agencies such as Washington DC,[9] St. Louis,[10] New York City,[11] Denver,[12] Newton, Massachusetts,[13] Philadelphia,[14] California,[15] and Pennsylvania.[16]

- The results clearly indicated that "men and women were equally capable of police patrol work."[17]

- Similar research conducted in other countries has reached the same conclusion,[18] as do more recent efforts that find no meaningful difference between male and female officers in: their activities or productivity on patrol;[19] their commitment to law enforcement organizations;[20] their response to violent confrontations;[21] and their performance evaluations received both at the academy and on the job.[22]

In fact, some studies indicate areas of police performance in which women excel.

- In one study, female police executives were found to be more flexible, emotionally independent, self-assertive, self-confident, proactive, and creative than their male counterparts.

- Other research consistently demonstrates that women in law enforcement have more education than their male peers.[23]

Clearly, the body of evidence suggests that male and female police officers are equally capable to successfully meet the demands of the law enforcement profession. As one researcher observed, "not all women are able to handle all police jobs — but neither are all men...[Moreover,] in some respects at least, women are better suited for police work than men."[24]

2. Female Officers Are Less Likely to Use Excessive Force.

> *"Police work used to be like a laborer's job...the only requirement was that you had to be tough. Now, that's not what we're looking for...[The job] is all about knowing how to talk to people. We screen for drug use, criminal background, but we don't do much screening for people who can get along with other people...A good cop knows how to defuse the situation by talking it out."*[25]

As this quote indicates, a "good cop" uses communication skills in every aspect of the job and can often reduce the need for force by de-escalating potentially violent situations. By this criterion, women clearly make "good cops," as demonstrated in research both in the U.S. and internationally over the last 25 years.

- To date, there are a number of studies demonstrating that female officers utilize a less authoritarian style of policing that relies less on physical force — despite research showing women respond to similar calls and encounter similar dangers on duty and are as effective as their male counterparts in performing police duties.[26]

Other recent research finds no difference in the level of force used by male verses female officers during the course of routine professional duties.[27] Additionally, women are less likely to engage in high-risk pursuits that may harm individuals involved.[28] Yet regardless of whether female and male officers use comparable levels of force during routine activity, it is clear that women are significantly less likely to be involved in employing both deadly force[29] and excessive force.[30] (See **Appendix A** for the Feminist Majority Foundation and National Center for Women & Policing's study, "**Gender Differences in the Cost of Police Brutality and Misconduct: A Content Analysis of LAPD Civil Liability Cases: 1990-1999.**")

The Question of Force and Physical Strength

The question of force lies at the heart of the traditional reluctance to hire women into policing. A number of studies document that both police officers and community members are concerned that women are not strong enough or aggressive enough for police work.[31]

- Yet physical strength has not been shown to predict either general police effectiveness[32] or the ability to successfully handle dangerous situations.[33]

- In fact, there are no documented cases of negative outcomes due to the lack of strength or aggression exhibited by a female officer.[34]

- Rather, some have suggested that alternative characteristics might be preferable to physical strength, such as the ability to defuse potential violence[35] and maintain composure in situations of conflict.[36] It is therefore important to note that female officers not only exhibit more reasoned caution than their male counterparts, but also that they increase this tendency in their male partners.[37]

Given that an estimated 80-90% of policing involves noncriminal or service functions,[38] the emphasis in traditional policing on physical strength might actually serve as a liability to police departments seeking to successfully meet the demands of their community. In addition, it serves to "weed out" women (and men) who could potentially implement an alternative model of policing that focuses less on physical force and more on interpersonal communication.[39]

An Emphasis on Communication

A shift away from an emphasis on physical force is likely to capitalize on the interpersonal skills that female officers possess, not only in equal measure to their male counterparts, but often to a greater degree. Perhaps for this reason, at least two studies have documented a preference among community members for female officers to respond to potentially dangerous situations.[40] Unfortunately, these interpersonal skills have not traditionally been emphasized in selection standards and background investigations. In fact, a history of perpetrating violence has often been ignored when screening potential candidates.[41]

However, in today's environment of ever-increasing litigation, law enforcement agencies cannot afford to overlook any means of reducing their risk of excessive force in favor of a more service-oriented style of policing.[42] By hiring and retaining more women, departments can go a long way toward transforming their focus to one that emphasizes interpersonal skills and cooperation with the community.

3. Female Officers Can Help Implement Community-Oriented Policing

Community policing represents a new approach to modern law enforcement, emphasizing communication and cooperation with citizens as well as informal problem solving. It is therefore important to note that women officers receive more favorable evaluations and fewer citizens complaints than their male counterparts.[43]

- To illustrate, one study found that male officers were the target of 50% more insults by citizens and almost three times as many threats or attempts at injury in comparison with their female peers.[44]

- In another study, police training instructors indicated that female officers have an advantage over their male peers in several areas, including empathy toward others and interacting in a way that is not designed to "prove" something.[45]

For their part, female officers are reportedly less cynical in their view of citizens,[46] which is noteworthy because such an orientation is associated with a decreased likelihood of using both reasonable and/or excessive force.[47] Women in law enforcement are also less likely to be involved in misconduct,[48] and they report greater support for the principles of community policing than their male colleagues.[49] It is no wonder, then, that many have suggested hiring more female officers as a way of improving the public image of the police department.[50]

4. More Female Officers Will Improve Law Enforcement's Response to Violence Against Women.

Research indicates that 2-3 million women are physically assaulted each year in the U.S. by their male partners,[51] and that 21-34% of American women are physically assaulted by a male intimate sometime during their adult lives.[52] In addition, the most recent national estimates indicate that one out of six American women will be sexually assaulted[53] and one out of 12 will be stalked[54] during their lifetime. Clearly, the extent of the problem highlights the critical importance of police response to crimes of violence against women. The cost of failure in this particular area is high, both in human and financial terms.

- Ineffective police response has been found to deter victims of domestic violence from reporting future assaults.[55]

- Inappropriate response also adds to the risk of litigation, as departments are increasingly being held liable for failing to properly handle domestic violence. This is especially true in cases where a protective order has been issued.[56]

Fortunately, the benefits of success are also substantial, as effective police response has been found to both improve the self-esteem of battered women[57] and increase the likelihood that they will leave abusive relationships.[58]

Because the police response to crimes of violence against women is so critical, it is worth noting that female officers have long been viewed as more effective in this area than their male counterparts.[59] This perception is shared by the community,[60] police training instructors,[61] and female officers themselves.[62] It is also supported by research.

- A 1985 study found that female officers demonstrated more concern, patience, and understanding than their male colleagues when responding to calls of domestic violence.[63]

- In the same study, battered women who had contact with a female officer rated the police response as more helpful than those without such contact. They also rated the performance of female officers more favorably.

Given that domestic violence represents the single largest category of calls made to police, this ability is critically important to the success of contemporary law enforcement in responding to the needs of the community.[64]

The Problem of Police Family Violence

Of course, it is insufficient to discuss the police response to violence against women without addressing the possibility that responding officers have committed these crimes themselves.

Domestic violence has been documented in as many as 40% of police families,[65] and law enforcement agencies around the county are increasingly faced with the question of how to respond when these crimes are reported.[66] Many have noted the traditional failure of police departments to respond effectively to officer-involved domestic violence and described the grim reality thus faced by victims.[67]

To improve the situation, the International Association of Chiefs of Police recently issued a number of policy recommendations.[68] Because violence against women is vastly more likely to be committed by men rather than women,[69, 70] another obvious recommendation is to increase the number of female law enforcement professionals. Increasing women's numbers in the ranks of law enforcement has the potential for lessening the chance that an officer who has perpetrated such a crime will handle crimes of violence against women.

5. Increasing the Presence of Female Officers Reduces Problems of Sex Discrimination and Harassment Within an Agency.

Research documents that women in law enforcement continue to face a variety of obstacles, including negative attitudes, gender discrimination, and sexual harassment.

- Research consistently demonstrates that the negative attitude of male colleagues is the single most significant problem reported by female officers.[71]

- Other work documents the widespread prevalence of gender discrimination, under-utilization of female officers, and sexual harassment.[72]

- In multi-departmental studies as many as 63-68% of the female officers report having experienced sexual harassment.[73]

This climate of "widespread gender bias"[74] seen in contemporary police agencies has a number of deleterious effects, not the least of which is the negative impact on the retention and promotion of female officers.

In general, although women enter and remain in the policing profession for many of the same reasons that men do, including the desirable pay and benefits, the challenges associated with the job, and the opportunity to help others,[75] they often leave for reasons that are very different, including unique stressors not faced by their male counterparts. These include:

- Problems with co-worker gossip, training, lack of promotional opportunity, administrative policies that disadvantage female officers, and pressures to demonstrate their competence beyond what is expected by their male colleagues.[76]

- Decreased trust in their colleagues.[77]

- More physical consequences of stress.[78]

- More indicators of burnout and greater intention to quit.[79]

One of the most prominent impacts, however, deals with the lack of promotional opportunities. Male and female officers report the same desire for promotion,[80] yet these opportunities are seen as less available to women in comparison with their male counterparts.[81] This is certainly part of the explanation for the higher turnover rate that is consistently seen among female officers, both at the academy and on the job.[82]

Extensive research reveals that sexual harassment is much more likely in male-dominated workplaces and in fields that have been traditionally considered masculine.[83] Hiring and retaining more women within a law enforcement agency will demonstratively reduce the exposure to liability by simply reducing the numeric under-representation of female officers. The increased representation of women can also have the benefit of transforming the very climate within a law enforcement agency and reducing the prevalence of gender discrimination, under-utilization, and sexual harassment.[84]

6. The Presence of Women Can Bring About Beneficial Changes in Policy for All Officers.

Lewis Sherman envisioned as early as 1973 that police departments would be held liable for their under-representation of female officers and that hiring more women would not only bring them into compliance with the U.S. Constitution but also yield improvements in the procedures for selection, recruitment, and retention of all sworn personnel.[85] As he argued:

> *"If a woman 5 feet, 3 inches tall can perform the job of patrol, why not a man who is the same height? If a woman needs better physical defense training, might not also a man? If a woman defuses a violent situation without having to make an arrest, shouldn't she or any man who does the same be given a high rating for effective law enforcement performance?*
> *Departments could move toward making their selection and training standards job-related, as well as toward development of new measures of police performance."*[86]

Improvements such as these would inevitably benefit both female and male employees within law enforcement. The Police Foundation similarly noted in 1974 that:

> *"The introduction of women will create an incentive...to examine many management practices which are less acceptable now that they must be applied to men and women alike. This may result in the development of improved selection criteria, performance standards, and supervision for all officers."*[87]

They further concluded that the expanded supply of police personnel, the reduced cost of recruiting, and better community representation were additional benefits of hiring more female officers.[88]

The Imperative to Hire More Women

Given the many difficult challenges facing modern police agencies, the advantages for hiring more women have never been more clear. However, at the current rate of hiring, it is inevitable that women will remain under-represented within law enforcement unless traditional policies and practices are changed substantially.

The good news is that changes in policies can have a dramatic impact on the recruitment and retention of women police officers.

- For example, when the Albuquerque Police Department instituted a range of policies under the "New Workplace Project" funded by the U.S. Department of Labor, the percentage of female recruits increased from 10% to 25%, and they were retained at the same rate as their male counterparts.[92]

- Similarly, the Tucson Police Department increased their percentage of female recruits from 10% to 29% by implementing active strategies to retain women. Furthermore, clear initiatives to address sexual harassment have been documented to better prepare officers to prevent or stop such behavior.[93]

Based on both research and practical experience, there is every reason to believe that such changes will yield benefits not only to women within the police profession, but also to their male counterparts, the larger police organization, and the communities they serve.

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Chapter 2

Assessing a Law Enforcement Agency

Many approaches can be used to conduct an assessment of a law enforcement agency.

Assessment by Chief Administrator

The administrator of the agency may be able to make several improvements in the agency's practices just by reading this guide and identifying suggestions that will help solve an immediate problem. Many of the suggestions in the guide have minimal fiscal impact and are within the power of the chief administrator to implement.

Internal Team Assessment

The chief administrator may decide to establish internal assessment teams to look at certain sections of the guide and conduct an assessment of the agency's policies and procedures. The teams can then make recommendations for improvements.

Community Assessment Process

When conducting an assessment of the personnel policies and practices of a law enforcement agency, the chief administrator may also include a diverse group of employees and community members in the process. Labor unions, command staff, civil service administrators, elected officials, and community members all can have input into developing improvements. Conducting a self-assessment provides law enforcement administrators with an excellent opportunity to utilize a community-policing approach to improving agency practices.

To most effectively conduct a comprehensive assessment, the agency administrator should give the process a high priority. Sufficient resources must be allocated, including staff support to the assessment team. As many women as possible, from all ranks within the agency, should be involved in the assessment process.

Recommended Process for Medium-to-Large Agencies

- ❑ Establish an assessment committee consisting of:
  - ❍ A diverse group of agency managers and field personnel, representing a cross-section of units and functions.
  - ❍ Women from all ranks of the agency, including civilian women.
  - ❍ Labor union representatives.
  - ❍ Personnel experts with experience working to increase women in non-traditional jobs. The Equal Employment Opportunity director and representatives from the public entity with the responsibility for entry and promotion testing should be included.
  - ❍ Criminal justice professors with expertise in issues related to women in policing and community policing.
  - ❍ Community representatives, especially those with expertise in women's employment and sex discrimination issues (for example, representatives of the American Association of University Women, YWCA, Women's Bar Association, and National Organization for Women) or attorneys with expertise in employment and civil rights laws.
  - ❍ Liaisons from the public entity that controls the law enforcement budget.
  - ❍ Elected officials or their representatives.
- ❑ Convene a full-day meeting to discuss the assessment process, introduce all members of the committee, review the status of women in the law enforcement organization, and make committee assignments.
- ❑ Establish working committees by subject matter. We suggest that at least four committees be formed. (Additional committees may be formed as needed.)
  1) A committee on job descriptions, the selection process, and promotion;
  2) A committee on recruiting;
  3) A committee on training, mentoring, performance evaluation, and awards;
  4) A committee on family issues, sexual harassment, retaliation, internal affairs, and the discipline system.
- ❑ Establish a timeline for assessment and the development of recommendations. The process of assessing and developing recommendations should be completed in 6 months, if possible. A 6-month goal will help keep the committees focused.
- ❑ Assign adequate staff to provide information and participate in the assessment process.
- ❑ One command-level person should be designated as the responsible party to provide the agency administrator with monthly briefings and to ensure that a comprehensive review is conducted.
- ❑ Designate a person from the law enforcement agency to be the coordinator for all requests for information from the committees. This person will arrange for law enforcement personnel to appear at committee meetings and answer questions, as well as providing documents requested by the committees.
- ❑ Hold a staff meeting with all high-ranking law enforcement personnel to explain the charge to the committees and the commitment of the agency to cooperate with the process.

- When the committees have completed their assessments and prepared a final report, all members of the assessment team must be willing to listen to their ideas for improvement. Many times, they have new approaches that will help improve the operations of the law enforcement agency. In addition, the committee can be extremely helpful in obtaining budget funds from the elected officials and in gaining community support for the changes.
- Determine what changes will be made and develop a detailed time/task plan for implementation. Specific responsibilities for implementing changes should be assigned.
- Assign an implementation committee and a chairperson to monitor the progress of implementing recommended changes and report quarterly to the agency head and elected officials.

Recommended Process for Small Agencies

Because small agencies are limited in the amount of resources and staff available, the following is a modified assessment process:

- Form a committee consisting of:
  - The command person in charge of recruiting, hiring, or training.
  - Women employees, if possible. If there are no women officers in the agency, seek assistance from a neighboring agency with women officers.
  - A woman community representative.
  - A personnel expert.
  - A lawyer experienced in civil rights and employment law.
- Convene a meeting to discuss the assessment process, introduce all members of the team, learn about the status of women in the law enforcement organization, and make assessment assignments. Assign assessments to members of the team according to their expertise and time available.
- Establish a timeline for assessment and the development of recommendations.
- When the members have completed their assessment, reconvene the committee and discuss the findings of each part of the assessment. Prepare a final report with recommendations on changes that need to be made. Recommend priorities for making the changes.
- When recommendations have been approved, assign a high-ranking person to monitor progress and report quarterly.

A Word About Gender Neutrality

When an agency is working to improve the environment for women employees, the use of gender-neutral language is crucial. One of the easiest ways to write or speak in an inclusive manner is to always use plurals. For example, instead of saying "the officer will write his/her report," it is much easier to say "officers will write their reports." During the assessment process, it would be desirable to have one person assigned to review the manual of procedures and other similar publications to identify areas where such revision is desirable.

Chapter 3

Developing a Job Description

Before a law enforcement agency can implement the strategies recommended in this manual to hire, promote, and retain women in policing, the agency must first write or update its job description for police officer. A current, appropriate job description for police officer is essential to the success of the recruitment, selection, training, and performance evaluation processes. Therefore, it should be carefully crafted and reviewed for gender bias.

Throughout this manual we use the term "community policing" or "community oriented policing." Community Policing is a *way of policing*, not a specific program. We use the term to mean a philosophy of providing police services that is utilized within all divisions of the law enforcement agency, not just for the individuals who are assigned to a "community policing" unit. The following is excerpted from the definition of "community policing" or "community oriented policing" developed by the U.S. Department of Justice, Community Oriented Policing Services (COPS) Office:

Community Oriented Policing is Proactive, Solution-Based, and Community Driven

It occurs when:

A law enforcement agency and law abiding citizens work together to do four things:

- *arrest offenders;*
- *prevent crime;*
- *solve on-going problems;*
- *and improve the overall quality of life.*

Hiring in the Spirit of Service

A police department s most valuable asset is its officers; and progressive departments "hire in the spirit of service, not the spirit of adventure." How officers treat citizens in their own neighborhood will dictate citizens perceptions and support of their police department. Officers hired in the spirit of service and trained in community policing are transforming policing in America.

The Future

Community oriented policing stimulates creative solutions to crime problems - solutions that begin in neighborhoods. When we invest in community policing we see officers and citizens depending on one another to make neighborhoods safer. For maximum effectiveness, community policing must permeate every aspect of a department - recruiting, hiring, training, assignment and promotion - reflecting a true community policing focus.

Statement of the Problem

Many existing job descriptions–and the job announcements based on those descriptions for entry-level law enforcement officers–continue to place a heavy emphasis on physical attributes over other skills. These descriptions often convey the message to potential recruits that the only response to fighting crime is through the use of force, and that skills such as communication and mediation are not as highly valued. This traditional portrayal of police work will most likely screen out qualified women as potential applicants.

Police agencies are increasingly moving from a 'law enforcement' model of policing to a 'service-delivery' model known as community policing. Community policing emphasizes working in cooperation with community members to solve crime and livability issues. This model of policing requires that officers be skilled in mediation, organizing, and mobilizing the community, de-escalating violence, and coordinating services with other governmental agencies.

Therefore, job descriptions that do not include these skills as essential to the role of law enforcement will not attract the most qualified candidates for policing today. In addition, by failing to update the job description to reflect a community policing philosophy, organizations are sending conflicting messages to police officers about their duties and responsibilities as public servants.

As stated in the Community Policing Monograph on Selection and Recruitment for Community Policing:

> *"In particular, the role of the police officer needs to be carefully defined or redefined in most cases. Failure to do so will replicate mistakes of the past and make the organization incapable of matching future demands of policing."*[1]

In order for law enforcement agencies to be effective in community policing they should reflect the diverse population of the communities they serve. A job description that emphasizes the variety of duties and activities police officers face on a daily basis is essential in ensuring that women, as well as other well-qualified candidates, apply for law enforcement positions.

In addition, since the job-related job description will be the basis for designing all recruitment programs, selection systems, training, promotion systems, and performance evaluation reports, it is crucial that it be current and reflect the type of law enforcement desired by the agency.

Legal Issues

Federal law requires that an employer's selection procedures be job-related for the position in question and consistent with business necessity. The job description is the basis for fulfilling this legal requirement. Therefore, personnel and legal counsel should review all job descriptions and consult with appropriate experts to make sure that the content is job-related.

Possible Solutions, Model Policies and Practices

The keys to developing the best job description for law enforcement officer are to emphasize the value that the organization places on community policing and detail the skills and duties required to successfully implement community policing practices. For example, the job description should highlight skills such as the ability to de-escalate violent situations, communicate with diverse groups of people, mediate disputes, and the capability to coordinate with other government and social service agencies. Of course, specific activities and responsibilities of a patrol officer continue to be necessary in any entry-level law enforcement job description.

In summary, the job description should clearly define the duties of a law enforcement officer and the knowledge, skills, and abilities necessary to perform those duties. The primary emphasis of the job description should be providing service to the community. Duties and activities should include public service, problem solving, conflict resolution, and community organizing, in addition to law enforcement duties such as traffic control, response to crimes, and testifying in court.

If an organization is transitioning to a community policing philosophy, it should be careful to define the skills required to implement this style of law enforcement in order to attract the most qualified candidates. In addition to conducting an internal job analysis, one of the best ways to develop a job description that describes the community policing philosophy is to have community organizations assist in its development. This can be accomplished by establishing a working group of community members who reflect the diversity of the community, especially as it relates to racial minorities and women. In addition, the membership of this group should reflect other populations and resources in the community such as the elderly, disabled, teens, social service agencies, college criminal justice educators, and a diverse group of employees of the law enforcement agency.

Small police departments without the resources to develop a job description may find it helpful to adapt one from another agency. (Refer to the Appendix for specific examples of effective job descriptions for police officer.)

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

- Refer to **Appendix B** for the **Port St. Lucie, Florida, Police Department** job descriptions for Neighborhood Officer and Neighborhood Patrol Officer.
- Refer to **Appendix C** for the **Boulder Police Department** job description for police officer.

Endnotes for Chapter 3

[1] Community Policing Monograph, "Recruitment and Selection for Community Policing," (Community Policing Consortium) Section 4.

Checklist for Developing a Job Description

- ❑ The job description accurately reflects the duties that police officers are expected to perform.
- ❑ Community input was obtained when developing the job description.
- ❑ The job description has been reviewed by a legal expert to ensure that it is job-related.
- ❑ The job description describes and emphasizes community policing activities along with traditional law enforcement duties.
- ❑ The job description emphasizes the following knowledge, skills, and abilities:
  - ❍ The ability to communicate with diverse community members.
  - ❍ Knowledge of the value of cultural diversity.
  - ❍ The ability to de-escalate violent situations.
  - ❍ The ability to mediate disputes.
  - ❍ The ability to organize and work cooperatively with community groups.
  - ❍ The ability to communicate with diverse groupings of people.
  - ❍ The ability to develop and prioritize solutions for crime and community livability problems.
  - ❍ The ability to empathize with those holding different values.
  - ❍ The ability to work cooperatively with other governmental and social service agencies.
  - ❍ The ability to identify proactive measures to prevent problems and enhance community livability.
  - ❍ The ability to handle conflicting priorities.
  - ❍ The ability to drive a police car in hazardous conditions.

(** **Note:** This is not an all-inclusive checklist, but merely some suggestions to assist law enforcement agencies in developing their own job descriptions.)

Chapter 4

Recruiting Quality Candidates

Statement of the Problem

Law enforcement agencies nationwide are experiencing severe problems in recruiting qualified candidates. An article in *Governing Magazine*, reprinted by the Office of the Police Corps, lists some of the reasons young people are not attracted to policing as a career:

- Independent minded youth of today don't mix well with the rigid paramilitary hierarchy to which most police agencies still adhere.
- Young people do not like being micro-managed.
- The private security industry is growing and siphoning off people who might otherwise become police officers.
- Police are associated with terror and repression in some cultures.
- Many candidates have used drugs or have criminal records.[1]

Stereotypes of Law Enforcement

Problems recruiting women and minorities are even more severe and represent major challenges of most agencies. In order to recruit more women into policing, law enforcement agencies must overcome the common perception that policing is a "male-oriented profession" limited to duties that require only physical strength. Movies and television programs frequently show law enforcement officers in high-speed pursuits, fistfights, shoot-outs, hostage situations, and other highly dramatic situations. The reality is that day-to-day law enforcement work is seldom this eventful. Yet this stereotype of law enforcement creates serious problems for departments interested in recruiting women and men more interested in a community-oriented career.

Indeed, the media stereotype of police officers contributes enormously to dissuading people who would make excellent officers under a community-policing model from pursuing a career in law enforcement. Because many women are not drawn to "use of force" as a style of law enforcement they often do not apply for jobs with law enforcement, agencies–even though in reality they have the potential to perform as well as male officers.

Defining the "Ideal" Officer

Some law enforcement agencies have failed to re-define skills, experience, and background qualifications they are seeking in law enforcement officers to reflect contemporary community policing values. This has seriously compromised recruiting and hiring practices in those agencies. In other words, law enforcement agencies are frequently looking for the "wrong" type of person in the "wrong" types of places.

Looking to the Military

Some large police agencies concentrate most of their recruiting efforts on military bases. Although this approach may generate some qualified candidates, it is extremely limited when trying to recruit women because the military has very low numbers of women. Overall, approximately 14% of the members of the armed services are women.[2]

Moreover, a military background alone should not be viewed as an indicator of a qualified candidate. The military should not be excluded as a source of potential recruits, but it should not be the main emphasis in a recruitment program. In its monograph entitled "Recruitment and Selection for Community Policing," the Community Policing Consortium observes:

> *"Military Experience. The positive arguments for recruiting ex-military personnel are that they are perceived as being mature, disciplined, physically fit, have character and are often multi-skilled. The paradox is that while military values may have been in accord with the traditional crime-fighting model – emphasis on the 'fighting' – their values are not congruent with those of community policing....Moreover, military progress on issues of diversity, equal opportunities, equity and fairness is no model for replication in U.S. police agencies."*[3]

Some law enforcement agencies also conduct recruiting efforts at sporting events, sports facilities, and private security companies. Although these locations should not be overlooked, the number of women a law enforcement agency will reach using these recruiting strategies is minimal.

Community policing puts an emphasis on working as partners with community members to find solutions to crime. Law enforcement agencies need to identify and pursue other sources that will produce qualified candidates with specific skills necessary to cooperatively work with various segments of the community.

Agency's Civilian Workforce

Many law enforcement agencies have also overlooked their own civilian workforce as a viable recruitment target. The civilian staff is overwhelmingly comprised of women who are familiar with law enforcement work and an excellent source of recruits for sworn law enforcement careers.

Lack of Women Law Enforcement Role Models

Because women comprise only 14% of sworn law enforcement officers nationwide, they are less visible to the community. In many communities, women never have the opportunity to see women officers as role models. For this reason, policing as a career is often not considered by most college-age women.

In addition, officers have a propensity to recruit friends and relatives and to mentor them during the selection and training process. Therefore, officers in a predominantly male law enforcement agency will tend to recruit more male applicants.

Lack of a Recruitment Plan

Due to the strong economy, recruiting has become more difficult for many agencies. Often, law enforcement agencies try to recruit without actually developing a recruitment plan targeted at women that contains measurable outcomes. Many organizations tend to rely on the same recruiting strategies they have used for years rather than targeting their recruiting to expand and diversify the pool of qualified applicants. Frequently, there is no assessment of the recruiting efforts to determine the success of various strategies. In addition, law enforcement agencies should recognize that successful recruitment is an ongoing effort and should not be limited to the period immediately preceding an examination or creation of job openings.

Hostile Work Environment

Women are reluctant to apply for jobs as law enforcement officers with agencies that have a reputation of hostility towards female officers or if the agency has a high turnover rate for female officers. If they believe they will be unwelcome, women will not apply.

A poll reported in *Law and Order Magazine* showed that only 9% of male officers accepted females openly. By contrast 38% had problems accepting females. Another 34% accepted them slowly.[4] Clearly, agencies must address the attitudes of male officers about the value of women in law enforcement.

Legal Issues

It should be emphasized that it is generally not permissible to recruit only members of one race, national origin, or gender. Programs that require meeting specific hiring goals for any particular group are generally prohibited under federal law except when necessary to remedy discrimination.

Examples of permissible targeted recruitment advertising efforts may include (a) development of recruitment materials featuring women; (b) distribution of recruitment materials and applications to businesses owned or frequented by women, minority neighborhoods, community centers and churches, and health clubs or sports teams with primarily female membership; (c) advertisements in publications and on radio and television stations with a predominantly female audience.

Examples of permissible outreach efforts include career fairs and open houses featuring women representatives of the department; contacts with women's groups; contacts with schools with an all (or predominately) female enrollment; and efforts to include women in junior officer, ride-along, and similar programs on an equal basis with men.

Outreach programs and recruiting efforts targeted at women and minorities seek to broaden the pool of potential applicants by reaching a greater number of qualified individuals. These practices are likely to be considered lawful when they are part of a broader recruitment effort that makes employment opportunities known to all potential applicants regardless of their race, national origin, or gender.

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Possible Solutions, Model Policies and Practices

Developing a Recruiting Plan that Targets Women

To successfully increase the number of women in policing, law enforcement agencies should develop a specific plan of action that targets women in the recruiting process and emphasizes the agency's desire to significantly increase the number of women in its ranks. The plan should also seek to recruit candidates who possess qualities necessary to for successful community policing.

In order to understand the importance of targeting recruitment efforts to groups underrepresented in a law enforcement agency, the Commission on Accreditation for Law Enforcement Agencies, Inc., states:

> *"The recruitment standards of the law enforcement accreditation process have embraced several important philosophical concepts in this chapter. The first concept is the expectation that an accredited agency will be an equal opportunity employer. EEO understands equal opportunity as the removal of barriers that prevent people from being treated fairly for employment purposes. The second concept is the expectation that the agency's sworn work force will be representative of the available workforce in the agency's service community relative to its ethnic and gender composition. If any group is underrepresented, the recruitment plan will include proactive steps to encourage members of that group to seek employment opportunities"*[5] *[emphasis added].*

A law enforcement agency should allocate sufficient funds, personnel, and time for recruitment. The amount of money spent in well-designed recruitment efforts will bring long-term benefits.

** **Note:** If the law enforcement agency is not the government entity that actually conducts the recruiting effort, this guide should be provided to the responsible unit.

Resource:
Donna Milgram, Director of the Women & Policing Institute, presents training programs on developing recruitment plans for law enforcement agencies. She has developed a recruitment assessment tool for agencies developing their recruitment plans.
Contact Information: www.womenpolice.com

A. Forming a Recruitment Committee

A committee should be convened to assist in the development of a recruitment program. Successful targeted recruiting requires that the recruitment committee have active support and resource commitment from the head of the law enforcement agency. Small agencies can accomplish these activities by pooling their resources with other agencies in their region, thereby developing and implementing a recruiting program that fits the needs of all.

Ideally, a recruitment committee will consist of persons committed to increasing diversity by gender and race within the law enforcement agency. Examples of persons who could be included on a recruitment committee are:

- Specialists in equal employment opportunity / affirmative action;
- Experts in advertising, marketing, or public relations;
- Persons knowledgeable in the testing process, (for example, a civil service representative or a human resources manager from a major corporation in the community);
- A diverse group of employees from the law enforcement agency, including women and minorities;
- Persons to be assigned as recruiters;
- Representative from organizations and businesses that primarily serve women and minorities;
- Faculty members of local college criminal justice programs;
- Elected officials or their representatives.

The recruitment committee should be charged with developing recruiting goals for women and timetables for achieving those goals.

It would be advisable to survey current women employees to determine how they first learned of jobs with the law enforcement agency, what attracted them to their job, and what they find most satisfying about their careers. This information can be extremely useful in developing a recruiting strategy.

To illustrate, the New York State Police recently conducted a survey of young women to determine what would attract them to a career in law enforcement. "Project results indicated that the most preferred job attributes for women between the ages of 19 and 29 were: financial inducements and job security; supportive work climate; job enrichment (skill and task variety); and family-friendly work policies. It was also determined that misperceptions of danger may be detracting from the number of female applicants."[6]

Based on the available budget, a plan should be developed to maximize advertising resources. The plan should address ways to involve the community and current employees of the law enforcement agency in recruiting qualified candidates.

A monitoring system to measure the effectiveness of various recruiting methods should be included in the plan. When the plan has been developed, approved, and implemented, the recruitment committee should meet at least once every 6 months to assess progress and make any necessary modifications to the plan.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

- Refer to **Appendix D** for the executive summary from the **New York State Police** survey, "Improving the Recruitment of Women in Policing: An Investigation of Women's Attitudes and Job Preferences." For the entire study contact Lieutenant Colonel Deborah Campbell, New York State Police, at 518-485-0854.
- Officer Diane Carmenty, San Antonio Police Department, has developed a successful recruiting program and offers training for recruiters. Contact her at 201-207-4227.
- The New Haven Police Department recently designed a community-based recruiting program. Contact Director Kay Codish at 203-946-6308.

B. Designing Recruitment Brochures and Posters

The recruitment brochure is an opportunity for a law enforcement organization to describe the job of a police officer and to encourage women to apply for that job. Frequently, recruitment brochures and posters are outdated and do not reflect current policing philosophies. Brochures should emphasize community policing and the skills needed to be successful in that approach to law enforcement. Brochures should not imply that time spent in patrol is short and that officers can move into specialty positions rapidly. Typically, women are attracted to careers in law enforcement because they want to help their communities. Brochures should stress the important role that law enforcement officers play in working with the community to prevent and solve crime problems. In addition, brochures should describe the testing process in enough detail for applicants to understand exactly what will be expected of them. This is especially important when describing the physical agility testing process. Legal counsel should review the completed brochure.

- The brochure should stress the organization's commitment to Community Policing and describe that approach to law enforcement. The brochure should emphasize and list the qualities desired in an officer in a community-policing system such as good communication skills, the ability to work with all types of people in the community, and the ability to resolve problems and de-escalate violence.
- The brochures and posters should feature pictures of women in uniform performing police tasks. The potential applicant has to be able to envision herself in that role. Include women in high-ranking positions and quotes from current women officers about why they like their job.
- The brochure should give an overview of the benefits of becoming a law enforcement officer. In addition to benefit programs such as health insurance, maternity leave, and retirement, the brochure should stress the benefits of helping the community and assisting people in crisis. Since most law enforcement agencies have good starting salaries, the starting pay should be highlighted.
- A realistic expectation of career advancement opportunities should be provided. Any discussion of assignment to specialty units or possibility of promotions should be carefully written. Law enforcement organizations should attract people who will probably spend a great deal of their career as street patrol officers.
- The brochure should describe the application and testing process in detail so that the applicant can take steps to prepare for that process. If an agility test is to be used, it should be clearly described and the applicants should be informed of opportunities that will be provided to help prepare them for the test.
- Both the training program at the academy and the field training program should be described. Women need to understand that they will receive a great deal of training before being expected to perform the duties of a law enforcement officer.
- A commitment to equal opportunities and non-discriminatory selection procedures should be asserted in the brochure.
- Highlight the telephone number (preferably toll-free) and website where applicants may obtain further information.
- Posters should be developed which illustrate women working in law enforcement and summarize the information contained in the brochures.
- The brochure and accompanying posters should include a tear-off form that allows applicants to request an application or additional information by mail.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

- Refer to **Appendix E** for posters from the **Michigan State Police** as an example of a good recruiting tool.
- Refer to **Appendix F** for posters from the **New Haven Police Department** and the **Riverside County Sheriff's Department** which depict different approaches to attracting the attention of potential candidates.

C. Establishing a Recruiting Team

Part of the success of a good recruitment campaign depends on the personnel selected as recruiters. Many women are apprehensive about applying for the job of law enforcement officer and they do not have a clear understanding of what the job entails. They want to know how they will be treated as a law enforcement officer and need detailed information about the selection process. They want to know about the law enforcement academy and training process. They have questions about pregnancy leave and other family-related issues, and they want to talk to women who are currently doing the job.

Persons selected as recruiters should be especially enthusiastic about increasing the numbers of women in the agency. Assignment as a recruiter should be viewed as a desirable, career-enhancing opportunity. Recruiters should be able to respond to the questions women have about policing. While it is crucial that recruiting teams include as many female representatives of the law enforcement agency as possible, recruiters should not be selected solely because of their gender. Individuals should be selected who are unbiased, enthusiastic advocates, good speakers, and good listeners.

D. Training Recruiters

Commission on Accreditation for Law Enforcement Agencies standard 31.1.2 requires *"Individuals assigned to recruiting activities are knowledgeable in personnel matters, especially equal employment opportunity as it affects the management and operations of the agency."*[7]

The CALEA manual goes on to state,

> *"Prior to initiating recruitment activities, recruiters should undergo a training program that provides knowledge and skills in the following areas: the agency's recruitment needs and commitments; agency career opportunities, salaries, benefits, and training; federal and state compliance guidelines; the community and its needs (including demographic data, community organizations, educational institutions, etc.); cultural awareness, or an understanding of different ethnic groups and subcultures; techniques of informal record-keeping systems for candidate tracking; the selection process utilized by the central personnel agency (including procedures involved in conducting background investigations and written, oral, or physical agility examinations); recruitment programs of other jurisdictions; characteristics that disqualify candidates; and medical requirements."*[8]

CALEA standard 31.3.3 requires *"the agency maintains contact with applicants for sworn positions from initial application to the final employment disposition."*[9]

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We support these recommendations and add that the training of recruiters should also include information about the following:

- the agency's pregnancy and family leave policies
- issues unique to women in law enforcement
- reasons why women may not have considered law enforcement as a career

Resorces:
The Washington State Patrol has developed a training program and resource manual for recruiters.
Contact Information: Chief Annette Sandberg, 360-753-6545

E. Finding Sources of Women Recruits

Many agencies state that they would like to hire more women, but they cannot find any who are interested in becoming law enforcement officers. Yet women comprise about 50% of the labor force in this country, and they are clearly interested in challenging and rewarding work. Many women who are the primary wage earners in their families are concentrated in low-paying, dead-end jobs. These women are an untapped pool of potential applicants. To find potential recruits, the agency should examine its local jurisdiction and determine which places and events are likely to attract large numbers of women.

One of the very best places to recruit women is at community colleges. Many of these students are still searching for the right career opportunity. In addition, they are frequently looking at jobs that do not pay as much as policing.

Community organizations and businesses can be invaluable in recruiting women. Agencies need to form partnerships with community groups–particularly those promoting career opportunities for women–and enlist them in the drive to increase the numbers of women in law enforcement. Businesses and organizations can be asked to assist with resources, distribution of recruitment materials and applications, and training for the written and physical examinations.

- Research your community to identify and target women in female-dominated occupations such as teachers, child-care workers, secretaries, social workers, clerical support personnel, civilian members of the law enforcement agency, and other government agencies.
- Recruiting women into civilian positions such as the crime laboratory, academy instructors, 911 operators, data processing technicians, fiscal operations, crime prevention, public relations, and other support positions is very important. These women become a pool of potential candidates for sworn officers.
- Many women have never considered policing as a career because they have not been exposed to women in policing. Making women officers visible is therefore essential. Agencies should take advantage of public events as an opportunity to inform the public about their commitment to diversity and gender equality in the workforce. They should strive to include female officers in outreach efforts and in specialty positions such as public information officer, honor guards, DARE programs, and all public presentations that could serve to attract women to law enforcement.

- Agencies embracing a community policing philosophy usually have many community meetings to discuss law enforcement issues. Recruiting for diversity should be an item of discussion at these meetings. Community members should be urged to assist in the search for qualified candidates.
- Research your community to identify and target locations frequented by women, including women-owned and oriented businesses, YWCAs, schools, grocery stores, laundromats, day-care centers, gyms, health clubs and sports programs, and athletic teams with predominantly female membership.
- Develop special recruitment programs to encourage applications from women of diverse ethnic and minority backgrounds reflective of the community. Areas with large immigrant populations also provide a wealth of potential candidates. Different recruiting strategies may be needed to reach women in various subgroups within the community. Experts in these communities should be consulted for assistance in developing targeted strategies. Recruiting materials should be translated into the languages used in the community.
- Out-of-state/out-of-city recruiting is not generally recommended unless it will help increase the numbers of women and minority applicants. Recruiting members of the community who are aware of the problems and culture is preferred. Out-of-state recruiting is expensive and may contribute to a high turnover of new recruits, but law enforcement organizations located close to a state border may have justification in recruiting from border communities in other states.
- Applications, brochures, and posters should be placed throughout the community, not just at the law enforcement facility or government office. Again, applications, brochures, and posters should be placed in locations frequented by women. Candidates should be able to return applications by mail.
- All advertising campaigns should emphasize the organization's commitment to community policing and the desire of the agency to hire more women. The emphasis on community policing and better approaches to resolving community problems should be highlighted in all recruitment efforts. Emphasize in all recruitment advertisements and materials the need for problem solving abilities, communication, community involvement, self-control under stress, and good judgment.

Using the Media to Increase Recruitment of Women Officers

- Agencies should undertake activities that maximize media attention and exposure for the department's efforts to recruit more women as law enforcement officers. One technique to increase media exposure is to kick off the recruiting campaign with a press conference. The Chief/Sheriff/Director should lead the press conference and have members of the local political body present to speak about their commitment to increasing the numbers of women in the law enforcement organization. Women officers in uniform should speak at the press conference to talk about why policing is a good career for women. Major events, places to obtain applications, and the toll-free number for more information should be announced at the press conference.
- Take advantage of no-cost media such as radio talk shows and television news shows. The chief and women law enforcement officers can announce the recruitment campaign and urge women to apply for these jobs on community affairs programs.
- Encourage print and broadcast journalists to write or produce feature stories regarding women in law enforcement, including women in the academy, women as community law enforcement officers, and awards for and promotions of women. For example, the Boise Police Department encouraged a news reporter to go on ride-alongs with a woman

officer. They got a good story about the officer and her work, and the television station continues to use the footage of the woman officer as a teaser for their news program.

- Utilize public service announcements on local radio and television stations year round to inform women of the career opportunities in your law enforcement organization and of specific job opportunities during the application period for particular positions.
- Every public appearance the Chief/Sheriff/Director and other high-ranking officials make during a recruitment drive should stress that the agency is an equal employment opportunity employer and that women and minorities are encouraged to apply for positions as law enforcement officers. This is especially important in television appearances.
- Placing articles in municipal, county, or state employee newsletters may bring in more applicants.
- All media should be translated and issued in foreign language outlets such as newspapers, radio stations, and cable television channels.
- Law enforcement agencies may also want to consider making a recruitment videotape and having it available at all police sites. This tape could be given or loaned to potential recruits. It could also be available for viewing at the law enforcement site.
- Consider developing a cable access program about the department and the opportunities for careers for women. Utilize women members of the department as speakers to talk about their jobs.

Internet Opportunities

- Every law enforcement organization should have a well-designed, continuously updated Internet site that illustrates and stresses the organization's commitment to equal employment opportunity and the recruitment of qualified women.
- Law enforcement organizations should reach out to community women's organizations with high-volume websites and ask them to place notices of job vacancies on their sites, or to provide a link to each law enforcement department's own site.
- Agencies may want to consider implementing an on-line application process.

Advertising Opportunities

- Advertisements should be placed in publications with a high percentage of female readers and radio and television stations with a high percentage of female listeners and viewers. Advertisements should also be placed in publications and on radio and television stations with the widest circulation and audiences. They should be placed in public locations such as bus stops, train stations, and on public transportation.
- All advertisements should depict women in uniform performing jobs as law enforcement officers.
- Ask local merchants to donate billboard space or other print advertisements.
- Ask local movie theatres to display recruitment slides in their pre-show presentations.
- Ask local utility companies to insert a recruitment flyer when mailing utility bills.
- Ask local grocers to print recruitment flyers on grocery bags.

Utilizing Current Employee Resources

- Train all employees on the importance of diversity and on the role of targeted recruitment as a means of building a qualified, diverse workforce. Urge them to recruit qualified applicants.
- The civilian staff of any law enforcement agency is another source of women recruits. In most law enforcement agencies, women account for over 65% of the civilian staff.
- Ride-along programs can be a useful tool to recruit women to law enforcement careers.
- Ensure that hiring officials and supervisors are invested in the recruitment process and that the individuals responsible for recruitment seek their input on how, when, and where to recruit.
- Managers should be evaluated on their commitment to equality and to increasing the numbers of qualified women. They should participate in recruitment activities and encourage their subordinates to recruit qualified women.
- Involve minority and women's groups within the department in recruitment efforts.
- Offer career support and mentoring programs to encourage retention of recruits.

Special Events

- Career fairs are excellent opportunities to recruit. Law enforcement agencies should participate in community career fairs, but should also hold their own career events.
- An open house where women are invited to the law enforcement facility or academy to learn more about the job can be a successful technique. Women from the law enforcement organization should be available to answer questions. Formal presentations about the selection process, benefits, and the job should be made.

Schools and Educational Programs

- High school and college career centers and guidance counselors should be included on the recruitment planning committee and should be part of a routine program of recruiting.
- Participate in career days at high schools and colleges.
- Instructors in criminal justice programs are an excellent source of referrals.
- Current employees should be encouraged to participate as instructors or guest speakers at local colleges.
- High school and college work/study or intern programs should be established to encourage young women to pursue law enforcement careers.
- Involve schools in pre-test training for the written, oral, and physical abilities examinations.

Social Service Organizations

- Identify community organizations that assist in job placement and encourage them to participate in the recruiting efforts. Provide them with posters and brochures to have available year-round and with applications during the period preceding the examination. Schedule dates when recruiters will be at these sites to answer questions. For example, the YWCA is an excellent place to recruit women.

Women's Non-Profit Organizations

- Many young women want to better the world and help others. Volunteers with domestic violence shelters, rape crisis centers, Big Sisters programs, and other agencies working with youth and women are excellent sources of potential candidates. Additionally, many non-profit organizations have mailing lists of women members who could be contacted for recruiting purposes.
- Professional organizations for groups such as social workers, juvenile probation officers, health care workers, dietitians, probation officers, corrections officers, security guards, and physical therapists may be a source of applicants.
- Women's professional groups are often seeking speakers for their meetings. Sending women officers to speak and encourage women to help recruit women and/or consider policing as a career may be effective.

Organizations that Employ Women

- Many women are unhappy in low-paying, labor intensive jobs that provide little mental challenge. Law enforcement agencies should closely examine the major employers in their geographic areas to identify manufacturers, factories, and other blue-collar employers as possible sources of applicants.
- In addition to blue-collar jobs, many women are unhappy in traditionally female-dominated jobs such as restaurant service, childcare, and other similar occupations. These businesses may be an excellent source of applicants.

Video Production

- Produce a video describing community policing and utilizing female law enforcement officers discussing their jobs and its benefits.
- Show the video at open houses and career fairs and make the video available to community groups, public libraries, and career fairs.

Resource:
The Boise Idaho Police Department puts on an event for women interested in becoming law enforcement officers, along with their families. Spouses and parents of women officers are invited to participate and answer questions. They are given nametags that identify them as a spouse or parent.
Contact Information: Captain Mike Prynch, Boise Police Department, 208-377-6665.

F. Incentive Programs

Most law enforcement agencies report that the best source of new recruits is current law enforcement officers. This is often an untapped source for recruiting women, and agencies are often unsure how to motivate their staff to locate potential recruits. Some law enforcement agencies have developed a unique incentive program. This plan rewards officers for bringing in a recruit who is qualified to perform the duties of a community law enforcement officer and who has the knowledge, skills, and experience the department is seeking. Rewards may take the form of money, extra time off, or other benefits.

A good incentive program provides a lucrative reward and spreads it over a long period of time. For example, a reward of $1,000 could be offered to any officer who brings in a qualified applicant who becomes a law enforcement officer. The reward would be given in this manner: one third at the time the person is hired, one third at the time the recruit

completes the academy training, and one third when the recruit completes probation. Not only does this program guarantee a good supply of recruits, it also builds in a mentoring system for the entire probationary period. An officer who will receive $1,000 if his or her recruit completes probation will most likely take a keen interest in the recruit's welfare and accomplishments at every step of the training program. Female and minority recruits are likely to benefit the most from this kind of program that establishes and makes accessible informal mentoring to all recruits. Law enforcement agencies should place recruiting reminders and materials in the paycheck envelopes of all employees to promote this effort.

Even though this program may sound expensive, it is actually very cost-effective. Agencies will want to review the success and expense of all components of their recruitment program and consider whether some or all of the money that would normally be spent on advertising, career fairs, and other similar programs can be diverted to the incentive program.

Legal Issues

Agencies should check with their legal counsel and elected officials to determine how to lawfully implement this type of program. This program would likely fall under the "meet and confer" terms of any labor agreement. Also, the implementation of a monetary incentive program may be adversely affected by Fair Labor Standards Act (FLSA) considerations.

G. Youth Outreach Programs

Some law enforcement administrators tend to not emphasize recruiting and youth outreach programs until they have openings to fill. This does not always result in finding the best available candidates. Recruitment efforts should be ongoing. Many of the approaches described in this plan, such as use of the media, advertisements, career fairs, and contacts with community colleges and organizations, can and should be implemented year round. Some agencies have taken a long-term approach to recruiting by implementing programs in middle and high schools in their community. By interesting students at an early age in a career in law enforcement, the organization can develop an ongoing pool of highly motivated, qualified applicants.

Internship programs for high school and college students are excellent tools to recruit women to policing. In addition, cadet programs, explorer scouts, and community crime prevention programs are ways to bring women into the law enforcement agency. Some law enforcement agencies have formed partnerships with local community colleges and local school districts to develop programs to attract young women to policing. For example, the City University of New York CUNY / New York Police Department Cadet Corps program offers students the opportunity to combine study towards their college degree with a program of specialized law enforcement-related training and work experience. Following successful completion of the associate degree, program participants are appointed as NYPD officers and enter the Police Academy.

Resource:
The Police Corps provides opportunities for recruitment. Young people can get their college education paid for if they go into law enforcement as a career. This should be used as a tool to recruit women and minorities. This program would be especially appealing to single mothers and minority women.
Contact Information: Director Jeff Allison, U.S. Department of Justice, Police Corps, 202-353-8953.

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Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

The Oakland, California, Police Department has developed a recruiting program that begins in elementary school and continues through college.

The Los Angeles Police Department and the Los Angeles School District have developed magnet school programs for law enforcement. Contact Roberta Weintraub, 310-246-0404, or jrpolice@aol.com

City University of New York and the New York Police Department have a cooperative program for recruiting women and minorities.[10]

H. Monitoring Recruitment Efforts

Once a recruitment program is implemented, it should be continually monitored and evaluated to determine what works and what changes may need to be implemented. To effectively monitor and evaluate recruitment efforts, the application for law enforcement officer should contain questions about how the applicant learned about the position. In addition, when potential candidates call the recruiting office, they should be asked how they heard about the positions. At least once every 6 months the recruitment committee should meet and review the recruitment program. Careful data should be kept in order to determine which pieces of the recruitment plan are successful. Successful programs should be expanded and unsuccessful programs should be discontinued or modified. Because targeted recruiting can only be successful in conjunction with a commitment to retention of qualified women, agencies should also keep records of the comparative retention rates of women and men.

The Washington State Patrol has developed a comprehensive tracking system to evaluate what activities are effective in recruiting candidates
Contact Information: Chief Annette Sandberg, 360-753-6545

I. Recruiting for State Agencies

In many state law enforcement agencies, outdated policies that require newly hired employees to make a major geographic move in order to be hired are having an extremely negative impact on hiring individuals who have families or partners who are unable to relocate. Some agencies also require employees to make continuous geographic moves to progress up the career ladder, again with an adverse effect on the officer's personal life. The requirement for geographic relocation places an unreasonable burden on the spouse or partner who is forced to seek new job opportunities with every geographic move. Agencies need to review the requirement for geographic movement as a prerequisite for upward mobility. It is a factor that drastically cuts the pool of qualified applicants — both men and women. Having a policy that only requires employees to be assigned within their immediate region in order to receive a promotion would relieve the concerns many officers face about working and child-rearing.

J. Recruiting for Sheriff's Departments

Many sheriff's departments are responsible for correctional systems in addition to traditional field enforcement and investigative duties. Therefore, newly hired law enforcement officers may be required to serve in a correctional facility for a period of time at the beginning of their careers. This can be a disincentive for some potential candidates.

The training opportunities and experience gained in the correctional setting should be emphasized as an advantage for newly hired officers. Correctional duties offer candidates the opportunity to work with clients in a controlled environment that enhances their abilities to investigate crime in the patrol or detective setting. Assignments in jail facilities also offer unique shift schedules conducive to family and educational needs. Working in corrections can also give a long-time employee job variety and end-of-career options.

Sheriff's departments should examine their career rotation policies and practices to ensure that the career advancement of women officers is not unduly delayed because of lengthy assignments in corrections. Some departments such as Travis County, Texas, have classified corrections and law enforcement positions differently, providing career paths in both fields.

Endnotes for Chapter 4

[1] Christopher Swope, "The Short Blue Line," *Governing Magazine*, November 1999.
[2] Lory Manning and Jennifer E. Griffith, "Women in the Military: Where they Stand," (Women's Research and Education Institute, 1998).
[3] Community Policing Monograph, "Recruitment and Selection for Community Policing," (Community Policing Consortium) Section 5.
[4] Arthur Sharp, "Recruiting & Retaining Women Officers," *Law and Order Magazine*, May 1993.
[5] Committee on Accreditation for Law Enforcement Agencies, *"The Standards Manual of the Law Enforcement Agency Accreditation Program"*, 4th ed. (1999) 31.1.
[6] Deborah J. Campbell, Byron D. Christman, and Melissa E. Feigelson, "Improving the Recruitment of Women in Policing: An Investigation of Women's Attitudes and Job Preferences," (University at Albany, 2000).
[7] Commission on Accreditation for Law Enforcement Agencies, *"The Standards Manual of the Law Enforcement Agency Accreditation Program"*, 4th ed. (1999) p 31.1
[8] The Commission on Accreditation for Law Enforcement Agencies, *"The Standards Manual of the Law Enforcement Agency Accreditation Program"*, 4th ed. (1999) 31.2.
[9] The Commission on Accreditation for Law Enforcement Agencies, *"The Standards Manual of the Law Enforcement Agency Accreditation Program"*, 4th ed. (1999) 31.3.
[10] Amy Ramson, "Women in Policing: A Success Story," *Women Police*, Winter 1993, 15-19.

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Checklist for Recruiting Quality Candidates

Recruitment Plan

- ❑ A Recruitment Committee has been established consisting of:
  - ❍ An Equal Employment/Affirmative Action/Civil Rights expert.
  - ❍ An Advertising/Marketing/Public Relations expert.
  - ❍ A representative knowledgeable about the agency's testing process.
  - ❍ High-ranking women and minority members of the law enforcement agency.
  - ❍ Members of the community who represent women's and minority organizations and businesses.
  - ❍ Recruiters from the agency or government office responsible for recruiting.
  - ❍ Faculty members from local college criminal justice programs.
  - ❍ High school and college career counselors.
  - ❍ High-ranking department officials.
- ❑ A recruiting plan has been developed that includes goals for hiring women and a timetable for achieving those goals.
- ❑ An adequate budget has been provided for recruiting, including funds for advertising and marketing.
- ❑ The recruiting plan addresses ways to involve the community.
- ❑ The recruitment committee meets at least twice a year to evaluate progress and make necessary modifications to the plan.

Recruitment Brochure

- ❑ The photographs feature women in uniform.
- ❑ The photographs depict women officers performing community service functions such as working with children, the elderly, victims of domestic violence, or similar situations, as well as performing more traditional police services.
- ❑ The descriptive information about the job emphasizes the role of law enforcement officers in solving community problems and helping people.
- ❑ The brochure emphasizes the qualities desired in a community police officer.
- ❑ Physical requirements of the job are not over-emphasized.
- ❑ Pay and benefits, including family-friendly policies, are highlighted.
- ❑ Minimum entry requirements are clearly described.
- ❑ Career advancement opportunities are realistic.
- ❑ The application and testing process is described in detail.
- ❑ The training process is described in detail.

- ❑ There is one telephone number to call to obtain information or sign up for the examination.
- ❑ There is a tear-off form to send for an application.
- ❑ The brochure states the agency's commitment to equal employment opportunity.

Recruiting Team

- ❑ The recruiting team includes a diverse group of law enforcement officers who are committed to community policing and the recruitment of women.
- ❑ Recruiters are selected for their skills in recruiting, including effective advocacy, good public speaking, and public relations skills.
- ❑ Recruiters are selected for their positive attitudes about women in policing.
- ❑ Recruiters have a dedication to increasing diversity.
- ❑ Recruiters are demonstrably committed to community policing values.
- ❑ Recruiters have a friendly personality and are easy to talk to.
- ❑ Recruiters have received training.
- ❑ Recruiters have knowledge of the agency's policies and procedures, especially those that affect women, such as pregnancy leave.
- ❑ Recruiters have knowledge of women's issues such as sexual harassment, family leave, and other similar problems.

Locating Women Recruits

- ❑ The recruiting unit has an adequate budget to cover advertising, printing, mailing, booth rental, travel, and telephone costs.
- ❑ The recruiting campaign places an emphasis on recruiting at community colleges on an ongoing basis. Community colleges and high schools are regularly visited to encourage women applicants.
- ❑ Businesses frequented by women are targeted as partners in the recruitment effort. Examples of some businesses are: day-care centers, elder-care centers, and grocery stores.
- ❑ Community organizations such as churches, service clubs, and neighborhood associations are enlisted as partners in the recruitment effort, with special emphasis on organizations in minority communities.
- ❑ A press conference is utilized to kick off the recruiting campaign.
- ❑ Community meetings about crime issues are utilized as opportunities to recruit women.
- ❑ Job fairs are utilized as an opportunity to find women applicants.
- ❑ Career Days are held and women are encouraged to attend and learn more about a career in policing. These career days are held on weekends to promote better attendance. Day-care is provided if possible.

- ❑ Radio and television stations have agreed to provide public service announcements aimed at recruiting women.
- ❑ Police personnel appear on local radio talk shows and television community affairs programs to interest women in law enforcement careers.
- ❑ The local press is encouraged to write feature stories regarding women in law enforcement.
- ❑ Local movie theaters have agreed to provide pre-movie advertising in the theatre aimed at recruiting women.
- ❑ The Chief/Sheriff/Director of the organization continually emphasizes the organization's commitment to equality and the desire to attract more women into law enforcement in speeches, media interviews, and other public appearances. The political leaders of the community also emphasize this desire to hire women as law enforcement officers.
- ❑ Advertising features women performing law enforcement duties and is placed in publications, and radio and television stations likely to be seen or heard by women and in locations likely to be frequented by women.
- ❑ Posters and brochures are distributed throughout the community to places likely to be visited by women.
- ❑ The agency has a website that provides employment information.
- ❑ Advertisements are placed in publications with high female readership and in public locations such as transit stops.
- ❑ Local businesses are enlisted as partners in the recruiting effort and provide resources for advertising.

Incentive Program

- ❑ An incentive program is in place to encourage officers to recruit diverse candidates.
- ❑ The reward offered is spread over time and is achieved when the recruit completes probation.
- ❑ The reward is sufficiently generous to encourage officers to participate in the program.
- ❑ The civilian staff is involved in the recruiting effort.

Youth Outreach

- ❑ Programs at the middle and high school levels encourage students to aspire to a career in law enforcement.
- ❑ Mentoring systems are in place to identify highly desirable candidates and keep them interested in a law enforcement career over a multi-year span of time.
- ❑ Ride-alongs, internships, cadets, and Explorer Scout programs are utilized as recruitment tools.
- ❑ Recruitment efforts are engaged in year round.

- ❑ Law enforcement managers are actively involved in the recruitment effort and are evaluated on their achievements in this regard.
- ❑ Women officer and minority officer organizations are involved in the recruitment effort.
- ❑ Instructors and career counselors at high schools and colleges are involved in the recruitment effort.
- ❑ Community social service and job placement agencies are involved in the recruitment effort.
- ❑ The Police Corps program is utilized.

Monitoring Recruitment Efforts

- ❑ A system has been implemented to monitor and evaluate law enforcement recruiting programs.
- ❑ Application forms ask how the applicant learned about the law enforcement job.
- ❑ The recruiting program is evaluated every 6 months with a formal report pre pared for the administrator of the organization.

Chapter 5

Removing Obstacles in the Selection Process

Statement of the Problem

The entry-level selection process poses a great potential for liability on issues of discrimination. It is very important that the process be thoroughly reviewed to ensure that it is fair and job-related and to avoid the expense and negative publicity resulting from litigation.

There may be several problems with the entry-level sworn officer selection process used by law enforcement agencies. First, the testing and selection system may be unfairly biased against women. Second, the process may not test for the attributes necessary to become successful community oriented-police officers, male or female. Third, the method used to rank and hire candidates may not be effective in achieving diversity.

Testing for the "Wrong Things"

Prior to the 1970s, law enforcement agencies hired men for sworn positions and many of those hired had a military background. This resulted from many factors, including the availability of veterans in the labor market, the paramilitary structure of law enforcement agencies, and our society's tendency to view policing as an exclusively male occupation. During that period, hiring procedures evolved that greatly favored men over women by awarding bonus points for military backgrounds and placing great emphasis on an applicant's ability to use physical strength to enforce the law. The screening process relied heavily on physical agility testing and did not emphasize verbal communication skills or backgrounds in problem solving.

In today's environment of community oriented policing, citizens are identified as "customers" to be served, and policing involves more communication skills and negotiating ability. Given changes in society and innovations in technology and crime suppression, it is therefore necessary to find new ways to assess an applicant's suitability for policing. Unfortunately, some civil service commissions, city and state governments, and law enforcement agencies have not yet changed their hiring processes to reflect the reality of modern policing. Testing programs, oral interviews, background investigations, psychological evaluations, and (especially) pre-employment physical performance testing all may need to be adjusted to assess the skills and abilities required of today's law enforcement professional. In addition, some civil service commission rules or other established regulations that control law enforcement hiring may need to be evaluated and modified to ensure that the most fair and job-related processes are in place. If this is not done, agencies that are successful in recruiting a pool of well-qualified women applicants may lose them through an outdated and biased process of selection and hiring.

Identifying Bias in the Testing Process

Each phase of the hiring and selection process should be examined for potential adverse impact on women candidates. With appropriate data collection, it is easy to find where women are being washed out in the hiring process and thus identified which aspects of the process should be examined for gender bias. An agency should examine their records for every part of the selection process from the past few years and look at the percentage of women and men who passed at each step. It should also compare the percentage of female applicants hired to the percentage of male applicants hired.

The "4/5ths or 80% rule" is a formula that has been developed by federal civil rights enforcement agencies to help identify which segment of a selection process may be artificially screening out women or minority groups. If the passing rate for women or minorities at any step of the selection process is less than 4/5th (80%) of the selection rate for the group with the highest pass rate, the test is said to have "adverse impact" and an analysis of the job-relatedness of that component must be conducted. For instance, if 60% of the men pass a physical performance test, but only 40% of the women pass, a problem may exist. In this example, 40% percent is only 67% of the passing rate for men, so the test should be further evaluated to determine whether it is lawful and job-related. In addition to the 4/5ths rule, a statistical test called a standard deviation analysis may be performed to determine whether a selection component has adverse impact. It is recommended that someone who is very familiar with employment testing statistics undertake this study.

If the scores on a selection component are used to rank order candidates as part of a larger battery of tests, the average scores need to be compared by sex, race, and national origin. In such circumstances, if the average male score is statistically significantly higher than the average female score, the selection component must be demonstrated to be job-related. In other words, if males who pass receive an average score of 95 and females who pass receive an average score of 80, the component must be validated.

In determining whether to use a particular test offered by a test vendor, an agency should first evaluate information from other agencies that have used the same test to assess whether it has adverse impact on women or minorities. These data can be provided by an agency summarized by sex, race, and national origin without breaching ethics or confidentiality guidelines. Legal and testing experts should be retained to review the passing rates by sex, race and national origin. If a test vendor or developer refuses to supply data gathered from the test's use in other similar agencies, the agency should be very cautious about using that vendor's test.

Evaluation of the Job-relatedness of Selection Components

Whenever a test has a disparate impact on a gender or minority group, federal law requires the employer to ensure that the test: 1) is job-related for the position in question and consistent with business necessity, and 2) minimizes adverse impact to the extent possible.

For example, when women pass a test or other selection component at a rate that fails to satisfy the 4/5ths rule or which is statistically significantly lower than the pass rate for men, the test has adverse impact and must be demonstrated to be "valid," in accordance with federal and professional testing guidelines, standards, and principles. This is also true for tests that have adverse impact on the basis of race or national origin. Because assessing the validity of an employment test is a highly technical undertaking, it is recommended that only a capable testing expert do this evaluation.

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For example, task-based physical performance tests frequently have adverse impact against women and may present validation problems. In some instances the passing points have been set artificially high and/or a particular element of the test may not be job-related (e.g., climbing a 6' solid brick wall or pushing a squad car off a roadway when the activity is not job-related or may even be prohibited by general order). A physical ability test with such a problem should be modified or replaced with a test that only measures skills and abilities at the minimum level actually needed to be able to perform the job successfully.

For written examinations, oral interviews, assessment centers, and personality and psychological evaluations, a failure to satisfy the 4/5ths rule also requires the agency to demonstrate that the selection component is job-related. There is no reason women should not perform as well as men on these measures. However, these tests can pose significant barriers to both men and women of color.

> *The Commission on Accreditation for Law Enforcement Agencies, Inc. states, "A job-related useful and non-discriminatory selection process is dependent upon a number of professionally and legally accepted administrative practices and procedures which include informing the candidates of all parts of the selection process at the time of formal application; maintaining written procedures governing lateral entry and reapplication of unsuccessful candidates; and insuring timely notification of candidates about their status at all critical points in the process. These procedures and practices significantly contribute to a more efficient, effective and fair selection process."*[1]

Entry-level tests should not test for knowledge, skills, or abilities that will be taught in the law enforcement academy. Entry level testing should only identify knowledge, skills, and abilities that will enable a person to become a successful community policing officer after appropriate training.

Search For Alternatives with Less Adverse Impact

Even if a test is job-related, it may violate the law to use it. Under federal law, if such a test has adverse impact, the employer should look carefully to see whether there are other tests that have less adverse impact but that would do an equally good job of selecting qualified candidates. Employers need to look at possible alternative uses of the same test and should also determine whether there are any other tests that are equally job-related but have less adverse impact. If several such alternatives are available, federal law requires the employer to select the alternative with the least adverse impact on the basis of sex, race, and national origin.

Record Keeping

Keep detailed, accurate records of the entire recruiting and selection process. Data should be gathered on the numbers of persons, by race, national origin, and gender that apply for positions. In addition, for each test or component of the selection process, data must be kept on the numbers who participate and the scores and numbers of who pass or fail. This data is crucial to thoroughly examining the agency's selection system for problem areas and potential liability for unlawful discrimination.

Each step of the testing process will be discussed briefly in this section and the most troublesome problems will be identified. However, the technical aspects of testing are beyond the scope of this guide. Testing experts and the federal and professional testing guidelines, standards, and principles listed below in the resource section should be consulted for further guidance.

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Improvement of the testing process as described will assist agencies in selecting the best possible community police officer candidates and will protect them from discrimination lawsuits.

Whenever a department decides to change any portion of the selection process, it should be done in consultation with legal experts and testing experts. In addition, it is important to use the job-related job description as the foundation for developing all parts of the selection process.

A. Physical Testing

Entry-level physical ability tests are often outdated, are not job-related, and are testing for physical requirements not needed to perform the job of a modern law enforcement officer. They put unnecessary emphasis on upper body strength and rely on methods of testing that eliminate large numbers of women who are, in fact, well qualified for the job.

An important consideration for a law enforcement agency in reviewing its entry-level physical abilities test is whether officers who are currently performing the job can satisfactorily pass the test. By establishing a standard of physical performance for entry-level candidates, agencies are saying that a particular level of performance is necessary to do the job of law enforcement officer. However, if current law enforcement officers do not maintain that level of physical ability and they are still effective as officers, then the level of physical performance being tested for is obviously not required to perform the tasks of the job.

Type of Physical Test

There are basically two schools of thought about physical ability testing – general fitness and job task-based. Under the general fitness approach candidates are given tests that measure their general physical fitness through activities such as running, sit-and-reach, and similar activities. The tests are usually gender-and age-normed. This means that the candidate's level of performance is measured by standards relative to gender and age. Fitness tests do not have adverse impact on women and do not purport to be job-related. Instead, they provide some measure of assurance that candidates who pass are more likely to successfully complete training and less likely to experience on-the-job injuries. Under this approach, job-related physical abilities are taught and assessed after hire during academy training.

Task-based tests simulate duties performed by law enforcement officers and measure the candidate's ability to perform those tasks within established time parameters. Examples of these tests are a dummy drag, fence climbing, tire changing, and other similar activities. It may be problematic to demonstrate that these types of tests measure abilities that are required for the job. For example, some agility tests require that candidates push a police vehicle, climb a 6' wall, lift and carry a dummy, or run obstacle courses that would be challenging for most athletes, much less for police officers successfully performing their jobs. These tests typically have an adverse impact on women and therefore must be documented to be job-related and consistent with business necessity in order to minimize adverse impact to the greatet extent possible.

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A third type of physical testing has begun to be used by some agencies in recent years. This type of test contains events such as a 300-meter run, a vertical jump, sit-ups, push-ups, and a 1.5-mile run. Because this test is validated using a task-based physical test, it may have the same problems associated with those tests. In addition, with the third type of test, there may be significant problems with the way the connection is drawn between the test events and the physical tasks actually required on the job. In evaluating such a test, an agency should consult with an expert in employment testing as well as an independent expert in testing statistics.

Legal Issues for Physical Testing

A word about upper body strength. One of the biggest obstacles to women in physical testing is upper body strength. Is upper body strength a bonafide occupational requirement for law enforcement officer? The law does not absolutely require or prohibit testing applicants for upper body strength. Nor does the law require upper body strength to be measured in a particular way, if it is to be measured. However, because of inherent physiological differences between men and women that are well-established in scientific research, tests of upper body strength typically have an adverse impact against women, meaning that men perform disproportionately better than women on such tests.

When an employment test has such an adverse impact, the law requires the employer who uses the test to demonstrate that the test is both "job-related to the position in question" and "consistent with business necessity." This almost always requires the employer to retain experts, such as industrial organizational psychologists, statisticians, and exercise physiologists, to perform scientific studies. These studies must demonstrate both that the characteristic being tested is important to the job, and that the cutoff score being used on the test is appropriate. With respect to the latter, these studies must establish that the cutoff score measures the minimum amount of the characteristic that is necessary for successful performance on the job. If the test is to be used on a rank-ordered basis, there must be substantial empirical evidence to demonstrate that higher scores on the test predict better performance on the job. Additionally, if there is another test that has less adverse impact but will also serve the employer's interest in selecting qualified law enforcement officers, the law requires the employer to adopt this test. In the law, this is known as a less discriminatory alternative test. Employers should search for less discriminatory alternative tests early on during the process of developing employment tests and should periodically renew and update this search, ideally before each recruitment and selection effort.

The most important recent case about agility testing was decided in July 1999 by the federal appeals court in Philadelphia. The SEPTA (Lanning v. South Eastern Pennsylvania Transit Authority) decision held that employers who use a task-based physical test that has an adverse impact must show not only that the quality or characteristic being measured by the test is important to the job, but that the passing point of the test is set to measure the minimum amount of that characteristic necessary to perform the job successfully. Stated differently, if current employees who cannot pass the test are still able to perform the job safely, then the cutoff score is unlawful and may not be used.

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Possible Solutions, Model Policies and Practices for Physical Testing

Job-Related Tests

Test developers should carefully and thoroughly evaluate the physical duties to be performed by law enforcement officers. Designers of such tests should thoroughly evaluate the disparate impact these tests often have on women candidates and seek to minimize that impact to the greatest extent possible. Current employees should be tested to set the standard of performance.

Fitness vs. Job Performance

No research shows that the physical agility and strength tests actually predict performance in the job of community police officer. In addition, most law enforcement agencies do not have any standards that require officers to maintain a certain level of physical agility and strength after they leave the law enforcement academy. In any law enforcement department in the United States, there are examples of officers who are excellent law enforcement officers and who have stellar records in all areas of law enforcement yet who could not pass the entry-level physical ability test.

Agencies that desire to improve the fitness level of their employees may implement programs that encourage physical conditioning. Many organizations now provide on-site workout facilities or membership in local health clubs. Federal law enforcement agencies allow special agents four hours per week to work out. But unless the organization is willing to make all officers pass the entry-level physical test every year, they should closely examine their physical requirements for new recruits.

The best strategy is to use a "fitness model" for entry-level hiring and then train recruits during the academy to reach the level of agility proven to be necessary for the job. Techniques required to perform the job are best taught in the academy setting.

> The Los Angeles County Sheriff s Department eliminated all physical agility testing for applicants for entry-level positions. During the recruit academy, students are given physical conditioning training. They are required to pass the California Peace Officers Standards & Training (POST) agility test before they can graduate from the academy. If anyone fails the test, they are offered positions as custody assistants until they can re-test. Using this approach, the Sheriff's Department has t·en able to increase the numbers of women hired.
> *Contact Information*: Captain John Dredd, 562-946-7802, is in charge of the Training Academy and Lt. John Franklin, 323-981-5852, is in charge of recruiting.

Preparation for Physical Testing

If a physical test is to be given, applicants should be provided information about the type of physical testing to be performed and opportunities to practice the test. This is best done through a training course given for a minimum of 8 weeks immediately prior to the administration of the test. Some organizations work with local colleges and health clubs to ensure that these kinds of courses are offered. It has been demonstrated that such courses, if properly conducted, substantially improve female candidates' performance on the test.

Use of Test Scores

Physical tests should be used on a pass or fail basis and not ranked by a score.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information for Physical Testing

For additional information on agility testing standards refer to the following websites:

King County Sheriff's Office, WA
http://www.metrokc.gov/ohrm/psd/22rc1001.htm

Americans for Effective Law Enforcement, Inc. Legal Center
http://www.aele.org/dc131.html

B. Written Examinations

Women as a group usually do quite well on written examinations. However, these tests may have an adverse impact on women and men of color, and if they do, they must be demonstrated to be job-related. Tests that include technical policing questions or seek to measure knowledge of specific statutes or laws should not be used because these concepts are taught in training.

Possible Solutions, Model Policies and Practices for Written Examinations

Legal and testing experts should be consulted to assist in designing or revising written examinations. Tests should not be used if they have an adverse impact on a protected group and that cannot be demonstrated to predict job success in accordance with federal and professional testing guidelines, standards, and principles.

Many agencies use subject matter experts when designing tests. These are law enforcement officers who are currently performing or have performed the job for which the test is being devised. Test developers should be sure to include a diverse group of officers as subject matter experts.

C. Oral Interviews

The structured oral interview process is an area where gender bias may manifest itself and women are negatively impacted.

Bias of Interviewers

The persons chosen as interviewers may have conscious or unconscious biases against women serving as law enforcement officers that affect their evaluation of the women candidates. They may have mistaken ideas about the physical requirements of the job. Even when well-intentioned people are selected, these biases can creep into the scores they give to women.

Emphasis on Military Background

Additionally, some interviewers may have the mistaken belief that persons with a background in the military or security work or other law enforcement-related jobs will make better officers. As pointed out earlier, very few women have those types of backgrounds, and they are not necessarily what are needed for community policing.

Legal Issues for Oral Interviews

As with the written examination, the oral interview should be analyzed to ensure that it does not have a disparate impact on any race, sex, or national origin group. In addition to looking at the pass rates of applicant groups, the average scores of candidates considered by sex, race, or national origin should be closely evaluated if the oral interview scores are used to rank candidates for selection.

Each rater's scores should be examined to determine if there is a disparity in the scores given to male candidates vs. female candidates. In other words, every aspect of the oral interview should be closely examined for gender bias. It is often helpful to have an independent testing expert evaluate these issues.

Possible Solutions, Model Policies and Practices for Oral Interviews

The structured oral interview provides an excellent opportunity to test for the types of skills needed for effective community policing. Verbal communication, reasoning, the ability to de-escalate violence, and sensitivity to issues of diversity are the types of skills that lend themselves well to evaluation by an oral interview panel.

In this discussion of oral interviews, we define a structured oral interview as the part of the early selection process that determines whether a person will be placed on a hiring list. We do not include the hiring interview in this section. The hiring interview is conducted when the department head or designee makes the final selection of which persons will be hired from the list of eligible applicants.

Selection and Training of Panels

The oral interview panel should be gender and racially diverse, and include members of the local community. Sworn and civilian law enforcement employees may also be utilized as panelists. All raters should be supportive of women in policing. Raters should be thoroughly trained about the rules of the interview process. The training should include:

- An overview of discrimination law and the concept of "adverse impact" as they apply to the oral interview process.
- A discussion of how bias can creep into ratings, even at a subconscious level and the need for consistently applied and objective evaluation criteria.
- A review of the job description for law enforcement officer and the knowledge, skills, and abilities the raters should be looking for.
- Policing philosophy of the agency and the traits desired in a law enforcement officer.
- A review of the questions to be asked and the reasons for each question. Any follow-up questions permitted should be clearly delineated.
- Types of questions that should never be asked. Raters should never ask a question not on the interview form.
- Explanation of the rating system and how to assign a score or rating.
- Whether or not raters are allowed to discuss their ratings with other panel members.
- The fact that their ratings will be reviewed and evaluated for reliability and possible gender bias.

Oral interviews should be structured to produce a score that can be averaged for women and men. This way, oral interview panelists can get feedback to identify and correct any bias implied by their ratings. If using multiple panels, a professional test developer should apply a score standardization technique. These calculations should be done every day

during an oral interview process so mid-course corrections can be made. Any rater who consistently rates women lower than men should be removed.

Non-discriminatory, Job-related Questions

The questions developed for the oral interview should test for the skills and abilities needed for community policing such as the ability to work with all types of people, de-escalate violence, mediate disputes, and engage in problem-solving.

The same questions should be asked of each candidate. Organizations have been sued because oral interview panelists were allowed to ask whatever they want. This can and often does lead to discriminatory outcomes.

Community Policing Emphasis

With the emphasis on community policing and the skills required for that type of law enforcement service, emphasis in the oral interview process should be placed on experiences that show the candidate's ability to work with all types of people, de-escalate violence, mediate disputes, and engage in problem-solving. Candidates should be asked about their involvement in the community, and points should be given to candidates who have backgrounds showing community involvement.

Types of Questions to Include in an Oral Interview

An oral interview presents an excellent opportunity to learn what a candidate thinks about issues and to observe how the candidate responds under stress. The following are a few examples of how oral interview questions can be used to help probe sensitive issues such as use of force, attitudes toward women, community focus, and ability to mediate disputes.

- Please describe what you have done for your community without receiving pay for doing it. (Reveals whether the person has a commitment to the community and to public service.)
- Have you ever known a victim of domestic violence? What types of things do you think it would be important to do for a victim of domestic violence? (Does the candidate understand any of the issues about domestic violence and the need to provide assistance to the victim? Is the candidate sympathetic?)
- When would it be appropriate for a husband to use physical force against his wife or children? (Further probes attitudes about domestic violence.)
- What types of people do you have the most trouble dealing with in tense situations? Why? (May identify biases.)
- Have you ever been involved in a physical altercation? What led up to it? How did you feel about the outcome of it? (Seeks information about resorting to physical force.)
- Imagine that you are a police officer and have been sent to a call about a neighborhood disturbance. When you arrive, you discover two men yelling at each other and pushing each other. They are fighting about who owns a power tool. How would you handle this situation? (Looks for mediation skills, not for knowledge of police procedures or the law.)
- If you were a police officer, what do you think would be the biggest challenge in working with a partner of the opposite gender? (Examines possible gender bias.)

D. Background Investigations

Background investigations can be extremely subjective, creating the possibility for discrimination. Background investigators with biases against women as law enforcement officers may overstep their boundaries in looking for reasons to disqualify candidates. Some of the unacceptable reasons for disqualifying women candidates may be:

- She was out of the job market for an extended period of time while raising her children.
- She was the victim of domestic violence or sexual assault.
- She has no law enforcement-related background such as military service, security guard, private investigator, etc.
- She is married to a law enforcement officer.
- She has engaged in sexual relationships outside of marriage.
- She is a lesbian.
- She had an abortion.
- She was on welfare.
- She has poor credit.
- She has a relative with a criminal history.

Background investigators need to take into consideration the fact that many women in our country are single mothers, raising their children with little or no financial support from the fathers. This may result in problems with credit, welfare, etc. Using such criteria as credit ratings or a history of welfare dependency to automatically disqualify candidates may deprive an agency of candidates whose life experience has equipped them with resources, problem-solving skills, and compassion that would make them exemplary community policing officers.

On the other hand, some law enforcement agencies have not taken advantage of the opportunity to use the background investigation to screen out persons with a tendency towards violence in their homes or in their everyday life. If properly conducted, background investigations can be one of the most important tools in the selection process.

Possible Solutions, Model Policies and Practices for Background Investigations

A good background investigation is crucial to hiring the right people. Background investigators should have a thorough understanding of the types of persons the chief executive of the law enforcement agency wants to hire. In order to ensure quality background investigations, the issues discussed below should be considered.

Background investigators should not make recommendations about hiring. The background investigation report should be a detailed, factual statement of the results of the investigation, allowing the chief executive to make an informed hiring decision.

As discussed previously, validation applies to all steps of the selection process, not just to written and physical tests. Thus, at each step of the process, data on pass rates must be kept and validation must be done at any step that has adverse impact.

Screening Background Investigators

Persons to be assigned as background investigators should be carefully selected. They should be screened for potential bias against women as law enforcement officers and for other biases that would prevent them from performing an accurate and fair investigation. A panel of experts in an oral interview procedure may do this screening or a qualified psychologist may do it. Any person who has participated in discriminatory or harassing behavior should

not be selected as a background investigator. The staff assigned to background investigations should be gender and racially diverse.

Training Background Investigators

Once the investigators have been selected, qualified experts should provide training about discrimination and equal employment opportunity. Training investigators about the types of questions that cannot be asked is important. Background investigators should also thoroughly understand the organization's community policing philosophy and the types of skills and abilities required of a community policing officer.

Format of Investigation

Organizations should develop a format for background investigators to use as a guide for conducting the investigation. This format should include information about how many references to check, when to perform a neighborhood visit, how to order a credit history, and other important steps to perform. Any prohibitions on questions or areas of inquiry should be clearly stated. All background investigations should be documented with a written report.

Criteria for Collecting Data

Explicit, objective guidelines for the collection of information about candidates should be developed and carefully followed. Developing these criteria will require input from legal and personnel experts. If automatic disqualifiers are determined, the criteria for disqualification should be clearly described and explained in writing, for the benefit of the investigators, the candidates, and the hiring authorities. If the organization develops automatic disqualifiers, background investigators should be instructed to check those areas first.

The information to be collected should be based on the job description and on a written statement from the department executive that describes the traits of the ideal law enforcement officer. For example, organizations with an emphasis on community policing should collect information about communication skills, the types of experiences and training of the candidate, the commitment to community service, and the ability to de-escalate violence. Background investigators should be directed to develop information about the candidate's abilities in these areas.

Screening for Gender Bias

The background investigation should be used as a tool to screen applicants for gender bias against women as law enforcement officers. It can easily be used as a tool to screen out applicants who display negative attitudes towards women as law enforcement officers or towards women who are victims of domestic violence, sexual assault, and other crimes against women. Specific questions about these issues may be asked of the applicants and of people who know the applicants.

Polygraph

Some law enforcement agencies use polygraph examinations as a part of their background investigation process. Polygraph tests are particularly useful for determining prior undetected crimes, other serious undetected misconduct in the applicant's past, or false statements made during the application process. Because of the highly personal nature of the questions posed during the polygraph interview and test, it is critical that agencies be sensitive to race/gender issues which may arise.

Polygraphists should be screened for gender bias and receive formal training in polygraph operation as well as training in cultural sensitivity, interview techniques, and legal require-

ments for personnel testing and selection. To ensure the highest level of professionalism, all polygraphists should hold membership in a polygraph association which maintains national standards of practice and should receive continuing education in polygraph techniques and scientific advances.

Both the general areas of inquiry and the specific questions asked during a polygraph test should be directly related to the requirements of the position, and they should be reviewed by the agency's legal department and approved by the agency head. The questions should be applicable to both male and female candidates alike. Questions that refer to sexual acts should be directed toward undetected criminal activity, and not an exploration of legal sexual activity between consenting adults.

Tests should be monitored periodically (via one-way mirror or closed circuit TV) to ensure that polygraph examiners are consistent and professional. Test charts should be scored by a second examiner (or by computerized scoring software) to control for hidden biases or polygrapher/candidate personality issues. Only the chart results shoulb be reflected in the final score and decision. The polygraphist's notes should be retained in separate locked files to protect the privacy of the candidate, and only the information necessary to make a hiring decision should be included in the candidate's applicant/personnel file.

Large agencies with several polygraphists should make an effort to ensure diversity within the polygraph section. While it is not always possible, or even advisable, to provide candidates with a polygrapher of their same race or gender, the agency should provide a mechanism of appeal for candidates who raise issues of bias. For example, the candidate may be offered an opportunity for a re-test or a specific-issue test conducted by a different examiner. Even if an examiner of the candidate's race or gender is not available, the issue may be resolved by a new examiner with a different personality and interview techniques. By requiring periodic statistical reports (monthly, quarterly, yearly) of polygraph testing and results, the agency head will be able to monitor the performance of their testing process.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information for Background Investigations

For additional information on polygraph tests refer to the following websites:
American Association of Police Polygraphists
http://www.polygraph.org/states/aapp

American Polygraph Association
http://www.polygraph.org

National Polygraph Association
http://www.nationalpolygraph.com

Department of Defense Polygraph Institute
http://www.dodpoly.org

Screening for Violence and Family Issues

The background investigation should always be used to screen out applicants who have a history of perpetrating spouse or child abuse, sexual harassment, violent behavior, or non-payment of spousal or child support obligations. Records of restraining orders should be checked. Divorce petitions should also be examined for evidence of the use of violence. The address of the applicant should be checked for instances of 911 calls regarding domestic violence.

Background investigators should understand that sometimes an abuser will file a restraining order against the victim as a means of harassment and as a tool for later use in court. This is especially true in child abuse situations.

Rejections of Applicants Based on Background Issues

Applicants should be told, in general terms, why they were unsuccessful in the background investigation. There is a possibility that they may be able to remedy the situation and re-apply at a future date. For example, if the use of credit is an issue, the applicant may be able to work at correcting some credit problems.

E. Psychological Evaluation

The psychological evaluation is a very important element in selecting officers. It also offers an area where women may be disqualified because of bias on the part of the testing psychologist. Some psychologists hold erroneous beliefs about the ability of women to perform law enforcement duties. One area of possible bias is when the woman has been the victim of sexual assault or domestic violence. One in every six women in the United States has been the victim of sexual assault and one in every two women will be the victim of domestic violence in her lifetime.[2] This should not be an automatic disqualifier. In fact, women who have been victims of violent crimes may possess a greater understanding and compassion for dealing with other victims of these crimes, crimes that may account for up to 50% of 911 calls for service. Yet, psychologists may, based on their own beliefs, disqualify these women as being "weak." Lesbian women are sometimes disqualified based on discriminatory beliefs or psychological profiles.

Possible Solutions, Model Policies and Practices for Psycological Evaluation

Purpose of the Examination

The purpose of the psychological examination should be clearly defined. Emphasis should be on screening out applicants with a tendency to resort to physical force and on screening in applicants who exhibit the ability to de-escalate violence. Heavy emphasis should be placed on communication skills, the ability to communicate with all types of persons, compassion, and other similar traits that are highly desired when selecting a candidate for a law enforcement officer in an organization that embraces community policing.

Selecting the Psychologist

Persons to be utilized as evaluators for the psychological screening process should themselves be screened for bias toward women and for outdated beliefs about the ability of women to perform law enforcement duties. This can be done by a thorough interview and also by checking with the state licensing board to determine if there have been any complaints made about the therapist. Psychologists selected should thoroughly understand the type of law enforcement officer desired for community policing. They should be thoroughly familiar with the current job description.

Results of the Examination

As a general rule, the psychological examination should not be "graded." Applicants could be classified according to "acceptable" or "not acceptable" or other similar terminology. The psychologist should be required to prepare a detailed written report about each candidate. If the psychologist is recommending that a candidate not be hired, the reasons for that decision should be clearly explained in the report.

F. Medical Evaluation

The medical evaluation may be a source of problems in the selection of women candidates. Some of the most common issues to be confronted are breast, ovarian or uterine cancer, menstrual problems, past depression, pregnancy, complications from pregnancy, or other issues unique to women.

Possible Solutions, Model Policies and Practices for Medical Evaluation

Establishing Criteria for Evaluation

The law enforcement organization should develop clear criteria for what is to be tested during the medical examination. Medical personnel performing the evaluation should be thoroughly familiar with the job description and the types of physical activities routinely performed by law enforcement officers. Medical decisions should be based on the person's overall health and whether the applicant can perform those described duties. Any automatic disqualifiers should be explained to the medical experts.

Screening the Medical Personnel

The medical person should be screened for gender bias and any history of improper behavior with patients. Most states have a medical board that keeps track of complaints against licensed physicians.

Fairfax County (VA) Police Department's Occupational Health Center employs several physicians to provide physical examinations and classify applicants for employment; however, one central physician oversees and acts as a "quality control" point for disqualified candidates and exceptional cases. By using one coordinating physician who is highly trained on the medical/physical issues of police service to evaluate classifications and appeals, they believe they achieve more consistency and fairness in the process. In addition, a female physician s assistant is available to assist with the medical examination process for female candidates.
Contact Information: Fairfax County Police, Administrative Support Bureau, at 703-246-7574.

Cancer

Some young women today are survivors of breast cancer or cancer of the reproductive system. This should in no way eliminate them as candidates for hire.

Abortion

Whether or not a woman has undergone an abortion is a personal issue that should not be considered in the physical examination. The physician should not even ask the question.

Results of the Examination

As with the psychological examination, the medical examination should result in a finding of "acceptable for hire" or "not acceptable for hire." On any "not acceptable" finding, the doctor should prepare a report that describes in detail the reason for rejecting the candidate.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information for Medical Evaluation

Uniform Guidelines on Employee Selection Procedures, 43 Fed. Reg. 38290 (Aug. 25, 1978).

Questions and Answers to Clarify and Provide a Common Interpretation of Uniform Guidelines, 44 Fed. Reg. 11996 (Mar. 2, 1979).

Additional Questions and Answers to Clarify and Provide a Common Interpretation of the Uniform Guidelines, 45 Fed. Reg. 25930 (May 2, 1980).

Standards for Educational and Psychological Testing, American Psychological Association ("APA Standards") (1999).

Principles for the Validation and Use of Personnel Selection Procedures: Third Edition, Society for Industrial and Organizational Psychology ("SIOP Principles")(1987).

G. Ranking and Hiring Eligible Applicants

Many law enforcement agencies use some type of ranking system to place candidates on an eligibility list for hire. This raises several areas of concern given the many ways gender bias may artificially depress the scores of women candidates throughout the testing process . The primary problem with any ranking system is that minor differences in scores do not necessarily mean that one person is better qualified than another. For example, if one person obtains a score of 97 and another person obtains a score of 97.5, it does not mean that the person with the score of 97.5 will make a better law enforcement officer unless there is clear validation evidence demonstrating that higher test scores in fact predict better job performance. Yet many agencies continue to hire in strict rank order off of the lists.

Veteran's Preference Rules

A second factor affecting rankings and adversely impacting women candidates is veterans' preference points. There are federal and state laws on veterans' preference points. Some states have what is called an "absolute preference." This means that veterans must be given preference over all other candidates. Some states have laws that allow for scoring and adding veterans' preference points to the overall score. Each jurisdiction should obtain legal advice to learn about the laws in their state and make certain that veterans' preference points are being properly applied.

Legal Issues for Ranking and Hiring Eligible Applicants

The key with veterans' preferences is to ensure that the definition of "veteran" set forth in the relevant veterans' preference law is carefully followed. Not all veterans are entitled to a preference. For example, some laws limit the preference to veterans who have served in combat and specify the wars and time periods during which the individual should have served in the U.S. military.

Possible Solutions, Model Policies and Practices for Ranking and Hiring Eligible Applicants

Pass/Fail Scoring and "Rule of the List" Systems

One solution to the problem of ranking candidates is to score each part of the testing process on a pass or fail basis. Candidates who pass all portions of the selection process are placed on an eligibility list. The appointing authority should then develop a non-discriminatory

method for selecting candidates. This is sometimes called a "rule of the list" system. Some agencies, such as the Oakland California Police Department, have successfully used this system to increase diversity in its new recruit classes.

Another technique used to ensure non-biased hiring is to place all qualified applicants on a hiring list and then draw names at random for hiring.

Banding Scores

When Civil Service rules require that a score be given to be placed on an eligibility list for hire, banding may be the solution to increase diversity. Under this approach, a certain group of scores are banded together and any person within that group may be hired. For example, scores from 95-100 could be in Band A, scores from 90-94 in Band B, etc. Anyone within B and A can be hired, thus increasing the number of applicants to chose from for any opening. If banding is to be used, it should be developed in consultation with a testing expert familiar with the statistical principles surrounding measurement error.

Expanding the "Rule of 3"

Many civil service systems require the appointing authority to choose from among the three top-scoring persons on the eligible list. If the systems described above, rule of the list and banding, are not adopted, it may be possible to convince the Civil Service Board to expand to a Rule of 5 or 10, thereby giving the appointing authority more leeway.

Also, when establishing a hiring list, thought should be given to providing additional points to applicants who possess 2 years of college credits. Since the percentage of women in college is high, giving preference points for education should help increase the numbers of women with higher scores on the eligibility list. If a college requirement is to be instituted, agencies should first determine that minorities will not be adversely affected. After the requirement is instituted, the agency needs to monitor closely to ensure that the requirement has no adverse impact on minorities.

Selecting Law Enforcement Officers

No matter what selection process is used, the chief administrator of an organization usually has the prerogative to select from a group of persons on the eligibility list. Hiring new law enforcement officers is the most important decision that a chief administrator will make. The chief administrator should personally interview the eligible candidates to decide which ones to appoint. If the chief is unable to allocate time for this important duty, it should be delegated to someone in the command staff or a diverse panel supportive of community policing and diversity.

Older Applicants

Law enforcement agencies should not overlook the advantages of hiring older applicants to increase the diversity of their department. An advantage of hiring older applicants is that they have more life experience that may help them be more understanding of the problems people face. Some women leave the workforce for a brief period of time to deal with family-related responsibilities. They are a valuable resource that should be tapped.

Endnotes for Chapter 5

[1] Committee on Accreditation for Law Enforcement Agencies, *"The Standards Manual of the Law Enforcement Agency Accreditation Program"*, 4th ed. (1999) 32.1.

[2] Massachusetts Coalition of Battered Women Service Groups, *Domestic Violence Factsheet*.

Checklist for Removing Obstacles in the Selection Process

General - Applicable to all selection components

- ❑ All selection components have been developed based on the information contained in the updated job description.
- ❑ Each selection component has been examined for adverse impact on the basis of sex, race, and national origin.
- ❑ Each selection component that has adverse impact has been either:
  - ❍ validated by legal and testing experts and determined to be the job-related alternative with the least adverse impact; or
  - ❍ replaced by the job-related alternative with the least adverse impact.
- ❑ A comprehensive record-keeping system is in place to gather information about performance on each component of the selection process by applicant gender, race, and national origin.

Physical Abilities Test

- ❑ Test developers thoroughly evaluated the physical duties actually performed by officers.
- ❑ Physical duties required for the job are taught and tested during the training academy.
- ❑ If the test is likely to have adverse impact on women, a course is given to assist those taking the test to prepare for it.
- ❑ Physical abilities tests are graded as pass or fail.
- ❑ The agency has ongoing physical conditioning programs for all employees.

Written Examinations

- ❑ The written examination measures skills and abilities needed for community oriented policing.
- ❑ The written examination does not ask questions about police procedure or laws.
- ❑ If subject matter experts are utilized to develop areas of questions for written examinations, women officers are included as experts.

Structured Oral Interview

- ❑ The oral interview panel is gender and racially diverse.
- ❑ The panel includes members of the local community.
- ❑ Panelists are supportive of employing women as law enforcement officers.
- ❑ Panelists have been thoroughly trained on:
  - ❍ Discrimination law and adverse impact;
  - ❍ How personal bias can distort the rating process;
  - ❍ Job description;

- Policing philosophy of the organization;
- Questions to be asked;
- Rules about follow-up questions;
- Types of questions that should never be asked;
- Explanation of the rating/scoring system; and
- Review of ratings for gender bias.

- Oral interviews are scored.
- Any rater who consistently scores equally qualified women lower than men is removed.
- Questions used during the interview measure skills and abilities needed to de-escalate violence, communicate with all types of people, mediate disputes, engage in problem-solving, and other skills needed for community policing.
- Extra points are awarded to candidates with a history of community involvement.
- Exactly the same questions are asked of each candidate.

Background Investigations

- Investigators have been screened for bias against women and other unlawful biases.
- No investigator has participated in discriminatory behavior in the workplace.
- Investigative staff is gender and racially diverse.
- Investigators have been trained in:
  - Discrimination and equal employment law;
  - Philosophy of the chief executive regarding the types of officers to be hired;
  - Community policing philosophy of the department and the knowledge, skills, and abilities required to perform those duties;
  - Job description;
  - Automatic disqualifiers;
  - Types of questions that cannot be asked; and
  - Other important areas of inquiry.
- There is a detailed format for conducting background investigations.
- Applicants are screened for gender bias and negative attitudes toward women as law enforcement officers.
- Applicants are screened for negative attitudes toward female victims of domestic violence or sexual assault.
- Applicants are screened for a history of:
  - Perpetrating spousal or child abuse;
  - Perpetrating sexual harassment;
  - Violent behavior;
  - Non-payment of spousal or child support;
  - Records of restraining orders;

- Violence documented in divorce proceedings; and
- 911 domestic violence-related calls to the residence of the applicant.

- ❑ Completed investigations are in writing.
- ❑ Completed investigations do not contain hiring recommendations, only factual statements.
- ❑ If polygraph examinations are used in the screening process, the examiners have been screened for gender bias.
- ❑ The staff of polygraph examiners is gender and racially diverse.
- ❑ Applicants are informed of the reasons they failed the background investigation.

Psychological Examination

- ❑ The purpose of the psychological examination has been clearly identified to the examiners.
- ❑ An emphasis of the psychological examination is to screen out persons with a tendency to use physical force or violence.
- ❑ An emphasis is to screen in persons with:
  - the ability to de-escalate violence;
  - good communication skills; and
  - compassion.
- ❑ The psychologists have been screened for gender bias.
- ❑ The psychologists have been screened for their support of women as law enforcement officers.
- ❑ The psychologists have a thorough understanding of the job description and the policing philosophy of the organization.
- ❑ Psychological examinations results are not scored.
- ❑ Psychologists are required to submit a written report documenting the reasons for rejection of any candidate.

Medical Evaluation

- ❑ Medical personnel have been screened for gender bias and any history of improper behavior with patients.
- ❑ Medical personnel have a thorough understanding of the job description and the physical requirements of the job.
- ❑ Medical personnel understand the requirements of the Americans with Disabilities Act.
- ❑ Women are not screened out due to abortions or recovery from forms of cancer unique to women.
- ❑ Medical personnel are required to submit a written report documenting the reasons for rejection of any candidate, a copy of which is provided to the candidate.

Hiring Eligible Applicants

- ❑ The chief administrator or designee interviews all candidates before making hiring decisions.
- ❑ Older applicants are valued for the life experience they bring to the job.

Chapter 6

Designing Quality Recruit Academies and Field Training Programs

Statement of the Problem

Biased training academies and field training programs can result in large numbers of women recruits being washed out. The attrition rates for women in law enforcement academies are often double that of male recruits. In a report prepared by the Los Angeles Police Department covering the years 1990-99, women were twice as likely as men to wash out: 19% of the women who entered the police academy resigned or were terminated from the program while only 9% of the men resigned or were terminated.[1] Many problems contribute to this loss of women.

Military or Boot Camp Style of Training

Many law enforcement academies still use the boot camp style of training, which emphasizes tearing down individuals and rebuilding them to the military model. This military model, which places value on strict, unquestioning adherence to rules is not only contrary to the skills desired in community policing officers, it is a culture foreign to most female recruits. Not only do female recruits generally have limited familiarity with this style of training, but experts in adult learning acknowledge that this type of training is not effective when trying to teach new skills to male or female adult students. The emphasis is on training, rather than teaching. Due to the small numbers of female recruits, live-in academies may place additional burdens on women. A sense of isolation may develop and lead to increased drop-out rates among them. In addition, live-in academies place a serious burden on parents with young children. Child-care problems may be so severe that some excellent candidates may not apply for the positions simply because of child-care issues.

Over Emphasis on Physical Prowess

In many recruit academies, physical training still stresses a force model, where size and force are overemphasized. Physical training, which emphasizes upper body strength rather than self-defense skills and physical conditioning, negatively impacts women. In addition, with the new "less than lethal" technology available, the reliance on the use of physical force becomes less necessary and less desirable. The purpose of physical training should be to build skills and confidence so that the trainee is able to control physical confrontations when necessary.

Firearms Training

Many female recruits have never held or fired a gun before coming to the academy. Their unfamiliarity with guns may generate a sense of insecurity and uncertainty when learning to handle a firearm. They may be reluctant to express their concerns and risk subjecting themselves to ridicule by other recruits. Additionally, the lack of familiarity with firearms may create an expectation of failure on both the part of the trainer and the female recruit. The size and weight of firearms can present additional problems for female recruits. Firearms training is sometimes done in a group, with little individualized training until failure is imminent.

Sexual Harassment and Discrimination

The boot-camp style of training for recruits, the "tear them down – build them up" culture, uses hazing, shunning, and humiliation to build camaraderie. These techniques may become viewed as accepted uses of power. It is very easy for sexual harassment to join that acceptable list.[2] Women recruits frequently experience sexual harassment in the academy from both instructors and classmates. Male recruits who act upon their negative attitudes toward women recruits may go unchallenged by academy instructors. Because the women are on probation and afraid of being terminated, they usually do not report the sexual harassment. Women may also be held to a higher standard of performance and conduct than male recruits, being closely scrutinized and having to perform at a higher level to be considered acceptable.[3]

Field Training Issues

After completing academy training, most new officers are assigned to a Field Training Officer (FTO) whose job is to assist in translating the information learned at the academy to street performance. But some FTOs fail in their duties by subjecting female recruits to discriminatory and harassing behavior. This can occur for several reasons:

- Some FTOs have personal biases against women in law enforcement.
- Inadequate criteria for the selection of field training officers can result in FTOs who have marginal skills in dealing with diversity. They look upon training female recruits as more difficult and view it as punishment.
- FTOs may be inadequately selected and inadequately trained in the community policing model. They operate in the model that stresses the use of force to overcome resistance and compliance with their orders. Their standard of success for a recruit is rarely one that a female recruit can meet.
- Female recruits may be held to a higher standard than male recruits in areas where women are stereotyped as automatically excelling, such as dealing with children, writing reports, and interacting with the community.
- Because FTOs prepare evaluations of recruits, many of the same problems identified in the performance evaluation section of this guide also occur here. (See Performance Evaluation section.) Those problems are more aggravated during probation because female recruits are afraid to report the harassment and discrimination they experience.

Academy Instructors and Field Training Officers

Academy and FTOs may not be adequately screened for gender bias. The absence of female instructors contributes to increased discrimination and harassment of female recruits. The vast majority of academy instructors and FTOs are male, depriving recruits of positive female role models, and reducing exposure of recruits to women in positions of authority. Often when women instructors are used in an academy setting, they are used to teach the traditionally accepted "female job skills" and are rarely used as defensive tactics and firearms instructors. This further creates the impression among all recruits that women cannot adequately perform these functions. Lack of female FTOs reinforces the attitude that women are not competent law enforcement officers.

Legal Issues

Personnel staff and legal counsel should review recruit and field training programs for compliance with Federal and state laws. As a result of the Police Standards Act in 1968, law enforcement training standards are set by each state and the state agency responsible for the standards often conducts the basic recruit academies. As a result, an individual law enforcement agency may not have the ability to implement the changes necessary to deal with the problems encountered by women. However, the state agencies are responsible for ensuring that the changes necessary to deal with the problems women encounter in the basic academy are accomplished. Individual agencies should insist that these changes occur. Law enforcement agencies should accept the responsibility for ensuring that all training given to their officers, regardless of who conducts it, is job-related and non-discriminatory. The individual agency remains responsible for discriminatory actions against their employees.

Possible Solutions, Model Policies and Practices

Recruit Training Academies

The boot-camp model of training should be replaced with training that is based on adult learning techniques. Studies have shown that adults respond best to training that is varied in presentation such as video, lecture, role-playing, and other methods and that relates the training to their experience. Experts in adult learning should be consulted and should assist in developing training programs that are effective. The use of role-playing should be emphasized to provide students with a safe environment to practice new skills.

The Massachusetts Executive Office of Public Safety and the Massachusetts Criminal Justice Training Council, in collaboration with the Massachusetts Chiefs of Police Association, the Boston Police Department, and the Massachusetts State Police, have developed a new curriculum, "Basic Course for Police." This curriculum focuses on using training methods in the academy that emphasize skills required in community policing, including: moral decision making, problem solving, and physical training that emphasizes health and stress relief as opposed to physical prowess.
Contact Information: Howard Lebowitz, Executive Director, Massachusetts Criminal Justice Training Council, 411 Waverly Oaks Road, Waltham, MA 02154. Phone: 617-727-7827, www.communitypolicing.org/publications.

Live-in academies should be eliminated if possible. If live-in academies are maintained, extra effort should be taken to ensure that female recruits are not isolated. Agencies should avoid sending a lone woman recruit to a live-in academy due to the likelihood that she will withdraw. A mentoring program would be helpful to assist women through this time. In addition, agencies should make attempts to ensure that parents are able to spend time with their families during the term of the live-in academy. Other possible solutions are to make the live-in academy optional for persons within a reasonable commuting distance, providing on-site child care, or providing a housing allowance for temporary residence for family of recruits.

Training Committee

The agency should establish a training committee to review and evaluate all academy coursework, materials, and training components for relevance to community policing and officer job skills. The committee should also review the material for gender and racial bias.

Experts from the community as well as female and minority officers and command staff should be included on the committee.

Curriculum

All officers should be trained in an atmosphere that recognizes and encourages innovation and individual strengths and reflects the goals of community policing. Emphasis should be on problem solving, communications, conflict resolution skills, de-escalation of violent situations, cooperation with the community, and the appropriate use of force.

Academy training must include diversity training, addressing the issue of diversity within the agency. As stated by John Gentile, "Unless officers respect one another, it's difficult to expect them to respect the multicultural community that they serve."[4] Training should also emphasize civil rights, eliminating gender bias and harassment, racial bias, and bias against gays and lesbians. Recruit academy training also must emphasize ethics in decision making.

Selecting the Academy Director

Agencies should carefully select the person to direct the training academy. The academy director should be someone who has experience in designing training programs utilizing adult learning techniques. The academy director should have a solid understanding of the principles of community policing and the job description for law enforcement officers. In addition, the director should have an understanding of issues of diversity, discrimination, and police culture. A civilian may be the best choice.

Selecting Academy Instructors

The success of any training program is dependent on trainers being carefully selected for their ability to train and their knowledge of the subject matter. The training staff should include women and minorities, and care should be taken to ensure that women trainers are used in areas other than just those that are considered to be "female skills." One way to identify excellent trainers is through the use of a peer survey asking employees whom they think would make good academy trainers and why.

Instructors must be carefully screened for any biases they may have about women in law enforcement. They should be screened for their ability to work with and to accept female police officers; for any history of perpetrating sexual harassment, gender bias, or family abuse; and for the way in which they handle sexual harassment cases involving officers under their command. They should be thoroughly trained in civil rights, discrimination, and sexual harassment laws. Any person who has been found to participate in discrimination, sexual harassment, or family abuse should never be used as an instructor.

The Los Angeles County Sheriff s Department has a policy that a member of the training academy faculty sits in on every class as a monitor. If there is ever any demeaning comment made by an instructor, the class is immediately stopped, the students are given a break, and a discussion is held with the instructor about the comment. A determination is made as to whether to allow the instructor to continue the class. When the class is reconvened, the faculty member informs the class that the comment was inappropriate and that the situation has been resolved.
Contact Information: Sgt. Patty Norris of the Training Division, 562-946-7148.

Instructors should have a good understanding of how to train adult students and should understand and be committed to the philosophy and practices of community policing. Instructors who are police officers should have a proven record of delivering the type of quality services desired by the law enforcement agency. They should have skills as counselors and problems solvers. All academy staff must be acutely aware of the hazards of discrimination and harassment. The workplace must be carefully monitored to ensure that harassment does not occur.

The students should anonymously evaluate instructors. One method would be to ask them to list the top five instructors and why they think each is an excellent instructor.

Physical Fitness and Skills

The goal of the physical training in the academy should be to increase the confidence of the students in their ability to perform their duties without injury. Physical fitness should be approached as a component of a healthy lifestyle. If recruits are given a solid foundation in developing a healthy life style through exercise, stress reduction, and diet, they are more likely to stay fit and therefore less likely to be injured or disabled. Rather than emphasizing marching and other activities that have no relation to the job or the lives of the students, emphasis should be placed on physical activities that the students can continue after they leave the academy to maintain fitness.

Physical training for police work should include defensive tactics training, the use of pepper spray, batons, and other less-than-lethal force. The emphasis of physical training should be on the de-escalation of violence. The use of physical force should be de-emphasized. Physical training should give officers confidence that they can handle violent situations. If any recruit needs additional physical training, it should be done in a way that does not stigmatize the recruit. Use of female instructors is important in physical training programs to provide role models for female recruits and to reaffirm to male recruits that women can be effective police officers.

In addition, women recruits should not be unduly singled out to play the suspect role when control holds and other physical tactics are demonstrated. Using women in this way too easily leads to hazing and the creation of a hostile work environment.

Firearms Training

Firearms instructors should be capable of training recruits who have no prior experience with firearms, as well as retraining those who have been improperly trained. Each officer, regardless of prior experience or skill level, should receive individual instruction to prevent stigmatizing those who lack prior experience. Instructors should help female recruits develop confidence to succeed in firearms training. If additional training is required, it should be accomplished while maintaining the recruit's sense of dignity and accomplishment. Firearms training, as all training, should be accomplished in a supportive atmosphere, free of criticism and ridicule.

A firearm, like any other tool, should be suited for use by the operator. The size and weight of the weapon are important considerations for selecting an effective weapon for officers. Most gun manufacturers produce smaller weapons that are just as effective as larger, heavier weapons. Many weapons can also be modified to accommodate smaller officers. Women must be provided with firearms that allow them to be effectively trained.

As with physical training, using female firearms instructors provides a positive role model and shows all recruits that women are capable of firearms proficiency.

Sexual Harassment, Discrimination, and Hostile Work Environment

Academy personnel should be held accountable for maintaining a harassment-free work environment. Any instructor found to have participated in, condoned, or even ignored any discrimination, harassment, or retaliation should be removed from the academy staff and appropriately disciplined. All academy staff should be trained in providing a hostility-free work environment including the requirement to report inappropriate actions of other staff members.

New hires should be informed of how seriously the agency views illegal discrimination and harassment, the importance of reporting any such conduct directed toward them or one of their peers, and the avenues they may use to make a report. To convey the importance of the message, it is best that the Chief or Sheriff deliver it. EEOC guidelines about sexual harassment should be posted at the academy. Any reports of possible discrimination or harassment should be immediately investigated and appropriate action taken.

Recruits who exhibit bias or retaliation against women or any protected class or who engage in harassment or retaliation should be terminated.

In order to assess the degree of problems that women are currently experiencing in the recruit academies, officers who have recently completed their probationary periods should be surveyed. An agency must determine if there are current instructors who are discriminating against and/or harassing female recruits. Surveying both male and female officers is important, as women may still be reluctant to complain for fear of retaliation or being seen as a troublemaker.

Selection of Field Training Officers (FTO)

Law enforcement agencies should regard the role of FTO as one of teacher, guide, and mentor. Great care should be taken to establish the job description of the FTO to include these traits, skills, and values. FTOs should never be selected on a strict seniority basis. Diversity among the FTO staff and their supervisors is important. All recruits should work with FTOs of both genders.

Officers with any history of perpetrating abuse in their public or private lives should not be selected as FTOs. Officers assigned as FTOs should be carefully screened for their ability to work with, accept, and support female police officers. Officers with a prior history of sexual harassment, discrimination, retaliation, or failure to properly handle such incidents should not be selected as FTOs.

CALEA states, "the selection process for FTOs is crucial to a successful program as many of the values, tactics, and attitudes of the FTOs are transmitted to inexperienced officers. Initial training as well as periodic in-service training should be provided to FTOs to prepare them for and keep them current with their assigned responsibilities."[1]

An FTO should instruct all female recruits in the various avenues of reporting discrimination and harassment that the recruit may experience or observe. FTOs should never encourage a recruit to not make such a report. FTOs should be required to report any harassment or discrimination they observe on the part of other FTOs.

FTOs should support and practice community policing, understand and respect diversity, and practice moral decision-making and ethical conduct.

Male recruits should be assigned to work with at least one female FTO. This will expose them to a gender-diverse environment, and reinforce the understanding that women are valued members of the organization, have expertise in policing, and are in positions of authority.

Review of Field Training Programs and FTOs

The field training program should be continuously reviewed to ensure that standards are job-related and non-discriminatory, and that the probationary officers are receiving proper training in appropriate job duties and skills.

Evaluations completed by FTOs should be routinely examined for gender bias by both individual FTOs and the evaluation or training system. Some of the indicators of problems are:

- Women receive lower scores than men.
- Women are criticized or rated lower than men for similar conduct (i.e. held to a higher standard).
- Subjective statements relating to lack of strength, lack of aggression, or other statements that may indicate that an FTO is not supportive of women as police officers.

Monitoring the Progress of Recruits

Law enforcement agencies should develop methods to monitor the progress of recruits and to monitor the workplace environment. If recruits are having problems meeting standards, an immediate review is necessary to determine the reason why and to develop an improvement program to assist the recruit. Such a monitoring system can also act as an alert that there may be a discrimination or harassment situation.

For example, if female recruits use more sick time when they are working with a particular FTO or in a particular assignment, it could be indicative of problems with the FTO or with a hostile work environment.

Endnotes for Chapter 6

[1] Los Angeles Police Commission, "Police Academy and Probationary Officer Attrition," (2000).
[2] Catherine A. MacKinnon, *Sexual Harassment of Working Women* (New Haven: Yale University Press, 1979).
[3] Elizabeth L. Shoenfelt and Max R. Mendel, "Gender Bias in the Evaluation of Male and Female Police Officer Performance" (paper presented at the Annual Convention of the Southeastern Psychological Association, New Orleans, Louisiana, March 21 1991), 8.
[4] John Gentile, "Recruit and In-Service Training: The Diversity Factor," *Community Policing Exchange*, April/May 1997.
[5] The Commission on Accreditation for Law Enforcement Agencies, *"The Standards Manual of the Law Enforcement Agency Accreditation Program"*, 4th ed. (1999) 33-44.

Checklist for Designing Quality Recruit Academies and Field Training Programs

Recruit Academy

- ❑ The academy director has experience in adult learning techniques and an understanding of community policing and the job of a law enforcement officer.
- ❑ A training committee consisting of police personnel and community experts is utilized to develop curricula.
- ❑ The boot camp academy model is not utilized.
- ❑ Live-in academies are not utilized unless necessary.
- ❑ If there are live-in academies with lone female recruits, programs are in place to prevent them from becoming isolated.
- ❑ Training is grounded in community policing principles.
- ❑ The majority of training provided is on topics to support community policing principles.
- ❑ Training is provided addressing diversity in the agency as well as in the community.
- ❑ Ethical decision making is an element of all training provided.
- ❑ Academy training staff is diverse.
- ❑ Instructors have been carefully screened for bias against women in law enforcement, for past family abuse, for racial bias, and for past incidents of discrimination, harassment, or retaliation.
- ❑ Instructors are thoroughly trained in civil rights laws.
- ❑ Instructors are trained in how to teach adult students.
- ❑ Instructors possess skills as counselors and problem solvers.
- ❑ Instructors are evaluated by the students.
- ❑ Defensive tactics, the use of pepper spray, and the use of less-than-lethal weapons are utilized over training that relies on upper body strength and physical force.
- ❑ Women are used as instructors for physical and firearms training.
- ❑ Individual instruction is provided for firearms training for all recruits.
- ❑ If necessary, firearms have been modified or smaller weapons have been authorized to accommodate smaller officers.
- ❑ Academy staff are required to maintain a non-hostile work environment and required to report all incidents of discrimination or harassment.
- ❑ Recruits who exhibit bias against women or any other protected class will be terminated.
- ❑ Surveys are conducted to determine if discrimination or harassment is occurring but not being reported.

- ❑ The seriousness of discrimination and harassment is conveyed to all newly hired personnel by the agency chief executive.
- ❑ All reports of bias, discrimination, and harassment are immediately investigated.

Field Training

- ❑ FTO job descriptions emphasize the role as teacher, guide, and mentor.
- ❑ FTO staff and supervisor positions include a diverse group of officers.
- ❑ FTOs are screened for their ability to work with female police officers.
- ❑ FTOs do not have any prior history of bias, discrimination, harassment, retaliation, or family abuse.
- ❑ FTOs are trained in their assignments and responsibilities.
- ❑ FTOs are required to instruct their women trainees in the avenues available to them to report bias, discrimination, and harassment.
- ❑ FTOs are required to report any bias, discrimination, or harassment they observe.
- ❑ FTOs are selected on the basis of their support of community policing, their respect for diversity, their ethical conduct, and their teaching abilities.
- ❑ Seniority is not used as a basis for selecting FTOs.
- ❑ The field training program is continually reviewed for gender bias and to ensure proper training.
- ❑ Evaluations by FTOs are routinely examined to prevent bias and discrimination from occurring and to give early warning of problems.
- ❑ Programs are in place to monitor recruit officer's progress and the workplace environment.
- ❑ Improvement programs are developed as soon as problems are identified with a recruit's performance.
- ❑ A training committee consisting of law enforcement and community experts evaluates all academy and FTO programs.

Chapter 7

Mentoring to Increase Retention

Statement of the Problem

Law enforcement is a unique culture in which to work and can include many challenges and stresses. Since women continue to be under-represented in law enforcement, they face additional challenges. Most significantly, sexual harassment and gender discrimination continue to be key reasons women cite for leaving law enforcement.[1] [2] In addition, female recruits are washed out of academy and field training at disproportionate rates.

Women often feel isolated when they join the department and have no one to turn to for advice or support, especially in smaller departments. They may eventually lose hope of succeeding in the law enforcement profession without the ability to receive the appropriate guidance. The loss of highly qualified women costs departments significantly in time, training, and employee replacement.

Legal Issues

Question: Are women-only mentoring programs permissible in states that have enacted anti-affirmative action laws?

Answer: It depends on what is meant by mentoring. For example, mentoring programs that provide newly hired female officers with the name of a more senior female officer to contact if she has questions or needs assistance are not prohibited. Moreover, voluntary gatherings of women officers after hours to work on job skills or to discuss work-related issues would also not be barred under these laws. However, employer-sponsored fitness programs offered during work hours and open only to women would likely be prohibited.

Possible Solutions, Model Policies and Practices

Mentoring is a tool that has been helpful in retaining women in law enforcement. Informal mentoring networks have long existed in law enforcement agencies. This informal mentoring continues to flourish as veteran officers provide support and guidance to new officers, often taking a special interest in helping them integrate into the law enforcement culture, build their skills, and move up in the ranks. Unfortunately, these mentoring networks have not included women on a large scale. Women would benefit greatly by

developing alliances and networks to help one another cope with the challenges of working in law enforcement and fostering support systems that help women advance. "Mentoring benefits every employee—civilian and sworn, veteran and rookie, male and female."[3]

Create a Mentoring Program

Mentoring programs can assist in the retention and promotion of female employees. They can also provide support and encouragement at each critical juncture in a woman's law enforcement career. Mentoring programs that begin as soon as the recruit enters the academy and continue throughout academy and field training are highly recommended. By pairing new hires with veteran officers at the beginning of their careers, problems can be identified and resolved early and the transition into the law enforcement culture can be made easier. Once a recruit completes academy and field training, mentoring continues to play an important role. Mentors serve as role models and coaches, providing guidance and support. Mentors can also act as liaisons, reporting to the administration problems that the mentee may be having.

Often women do not feel comfortable reporting incidents of harassment or discrimination for fear of retaliation. Mentors can ameliorate the situation by making sure that the mentee, as well as the agency, follow departmental procedures for handling complaints.

At times, it may be desirable to utilize women from neighboring law enforcement agencies as mentors.

Benefits of Mentoring Programs

Mentoring can benefit a police department in numerous ways. Using mentoring programs, a department can expect improved job performance of participants, an environment of cooperation and cohesiveness, and increased morale among female employees. In addition, the financial benefits to the department are significant. Given the steep costs involved in recruiting, hiring, and training new officers, it is financially prudent for agencies to direct financial resources at programs aimed at retaining employees. For example, one typical medium-sized county agency estimated that it costs $40,000 to recruit, hire, and train a new officer.[4]

In addition to the expenses incurred by a department for recruiting and training an officer, law enforcement agencies in the U.S. have been assessed large financial penalties for harassment and discrimination suits. A recent study by the International Association of Chiefs of Police found that women have won more than one-third of the sexual harassment lawsuits and more than one-third of the gender discrimination lawsuits they filed against police departments.[5] Law enforcement agencies have collectively spent hundreds of millions of dollars to settle these suits. Mentoring programs can reduce the financial liability by providing female employees with a support system that assists them in resolving their complaints before they result in costly lawsuits.

No matter what form of mentoring a department chooses to implement, the goals are always the same: to cultivate one-to-one partnerships that will encourage employees to reach their fullest potential as law enforcement professionals.

A. Formal Mentoring Programs

A number of agencies have recognized the significant benefits to mentoring and have created formal mentoring programs. These programs are specifically designed to address the needs of the department's employees. For example, one medium-sized department has

developed a mentoring program that targets new recruits, while another agency has implemented a mentoring program that focuses on the career development of all its officers. While there are many ways to put together a formal mentoring program, a comprehensive initiative that addresses the needs of employees at each phase of their career is the best type of program. The following components should be included in a formal mentoring program to ensure that it benefits women.

Establishing a Formal Mentoring Program

The first step in establishing a formal mentoring program is to develop a blueprint. This can be achieved by forming a working group. This committee is responsible for examining the needs of the department, developing the program, and devising a strategy for implementation. This committee should include a diverse group of women officers from various levels in the department, a representative of the command staff, and a program coordinator (consultant or in-house human resources person).

Applicant Mentoring

Law enforcement agencies that develop a mentoring program for applicants may see a dramatic decrease in the number of applicants who fall out of the hiring process. Often, recruiters can be utilized as mentors. Applicants should be telephoned on a regular basis to answer any questions that may arise about the selection process. They should be informed of programs designed to assist them in various phases of the testing process.

New Hire Mentoring

Mentoring should begin from the first day a female recruit is hired. All female hires should be assigned a mentor who will act as a trusted adviser, providing information, advice, or coaching during the new recruit's first critical months in the agency.

Selection of Mentors

The selection of mentors is critical. The chief administrator should conduct a search for mentors by requesting officers to complete a peer recommendation survey. The selection process should send the message that being selected as a mentor is recognition of the employee's superior leadership and service. While it is desirable that women mentor women, not all women will make good mentors. All participants should have a passion for mentoring, and an unbiased attitude about women as police officers. If there are not enough mentors for all new women recruits, it is possible to assign mentors to more than one mentee. Group mentoring can be effective.

Training for Mentors and Mentees

Mentors and mentees should be provided ongoing training. An orientation for both mentors and mentees should be mandatory. The training should cover the following topics:

- Orientation on each participant's roles and responsibilities.
- Adult learning techniques for effective communication.
- Identification of departmental resources.
- Discrimination and sexual harassment laws and policies.

Mentors should receive training in peer counseling and discrimination law. They should thoroughly understand the evaluation criteria on which the recruit will be judged. They should have a good understanding of the discrimination complaint process, performance evaluation, community policing, and the issues frequently faced by women in law enforcement.

Regular Meeting Schedules

Mentors and mentees should meet on a regular basis. Once a week during academy training and once a month thereafter is recommended. The administration should allow this to occur when officers are on duty.

Administration Involvement and Oversight

The success of the program will heavily depend on the level of support the administration provides to the participants. The administration should be actively involved in the mentoring program to ensure its success. The chief administrator and/or command staff should be available to meet with the mentors to receive feedback on a regular basis. They should also be willing to take immediate action on any problems discussed during these meetings.

Mentor Program Coordinator

A full-time or part-time employee should oversee the mentoring program. A departmental employee or an outside consultant can staff this position. The coordinator's responsibilities include:

- Developing the mentoring program with input from various members of the department and community members.
- Organizing meetings, training, and program activities.
- Facilitating the process and the matching of the mentors and mentees.
- Providing ongoing counseling/communication with participants.
- Creating an atmosphere that fosters and encourages participation in the program.
- Conducting ongoing evaluations of the effectiveness of the program.

Evaluation

The mentoring program will need to be evaluated periodically to ensure that it is meeting its goals. Once the program is underway, it will also need to be fine-tuned and modified as necessary. A focus group of mentors and mentees can be used to discuss what is working for evaluation purposes. A climate survey of mentees may also be helpful.

Post-Academy Mentoring

Mentoring should continue after recruits graduate from the academy and begin field training. Just because a woman recruit successfully completes the academy does not mean that her mentoring needs are over. Mentors can act as coaches, role models, and advisers throughout a woman's career, especially as officers prepare for promotional exams and conduct career planning. A semi-annual meeting schedule is recommended.

Fairfax County Police Department:
Mentoring Program for Academy Recruits

Lieutenant April Kranda of the Fairfax County Police Department in Virginia assisted in the development of a mentoring program to address the high turnover of new recruits during academy training. Under this program, mentors are assigned to new hires to help them assimilate into the department and successfully complete academy training. Mentors meet with new hires prior to their first day and provide them with a very personal, in-depth overview of the academy and department. The goal is to ensure that the new hire s introduction to the department is a positive experience. The program has been extremely successful and is believed to have saved the department hundreds of thousands of dollars by reducing the attrition rate of new officers.
Contact Information: Commander, Personnel Resources Division, Fairfax County Police Department, 703-246-7576.

Aurora Police Department: Career Enhancement Mentoring
The Aurora Police Department hired independent consultant Laura Harris of Advanced Coaching and Consulting to design and implement a mentoring program that focuses on the career development of its officers. The program was designed with input from members at various ranks in the department, as well as through focus groups and meetings with the department and community members. Currently in its second year, this program is designed to meet the following goals: (1) Enhance the abilities and skills of department members while in their current positions, as well as prepare them for career advancement; (2) Increase the participation of department members in promotional exams; (3) Increase the participation of department members while in special assignments; (4) Enhance the continued effectiveness and development of the department.
Contact Information: Laura Harris, AAC, 303-841-4846

B. Informal Mentoring Programs

In addition to formal mentoring programs, informal mentoring can supplement department sponsored programs. As women have increased their representation in policing and have risen to command positions, informal mentoring among women has become more widespread. While informal mentoring is not a substitute for a formal mentoring program, there are many ways in which a department can foster informal mentoring.

Increasing Visibility of Women Role Models

High-ranking women in the department should be given departmental and public exposure. They can be utilized to speak informally to law enforcement and community groups on issues such as sexual harassment and gender discrimination as well as on the topic of women in policing in general. In addition, the administration should encourage high-ranking women to make themselves available to other women in the department by encouraging an open door policy.

Creating a Women's Advisory Group

An excellent way to provide women with an opportunity to get support and advice is to form a women's advisory group. These groups can serve as advocates of women's issues, bringing any problems to the administration and suggesting ways the department can change policies that may be adversely impacting women. The creation of the advisory group also takes the pressure off individual women to come forward with issues. It recognizes that the agency and the profession are in transition from a male-dominated context to a diverse one, and that there will be special issues the agency and all of the employees will confront during the process.

Model Policy: The Houston Police Department's Women's Issues Office
In 1994, a group of women in the Houston Police Department formed a Women s Advisory Committee to take a closer look at some of the problems women were facing in the department. The outgrowth of their efforts was the creation of the agency s first Women s Issues Office. Staffed by a sergeant, the office serves as an official advocate for the department s women. The office acts on many levels: they are a liason on cases of sexual harassment or gender discrimination; they are a sounding board for any complaint, they help coordinate a department-wide response to any formal complaint; and they assist women on personal matters. The administration has given the sergeant direct access to an executive assistant chief, which enables the office to act swiftly and effectively to resolve problems.
Contact Information: Lieutenant Vicki King, Houston Police Department, 713-731-5950.

Training Opportunities

One valuable way to assist women in advancing their careers is to encourage them to attend training conferences where they can acquire new skills. Sending women to training conferences meets two objectives. First, women officers learn valuable skills that will help them on the job as well as distinguish them when they go for a promotion. Second, women bring these new skills back to the department where they can be shared with colleagues. This is a cost-effective way of raising the skill level of the women in the department as well as the department at large. Training opportunities should be well publicized.

Affinity Organizations

One of the easiest and most cost-effective ways to provide mentoring for employees is to encourage officers to join affinity organizations such as the National Center for Women & Policing, the National Organization of Black Law Enforcement Executives, the Hispanic American Police Commanders Organization, the Asian American Police Commanders Organization, the International Association of Women Police and other similar groups. These professional organizations can provide ongoing mentoring through their networks, conferences, and leadership training opportunities. In agencies without large numbers of women or minorities, these organizations can provide the critical support that may be lacking in the department.

Administrators Act as Mentors

Mentoring begins with the top command. If the chief administrator and the command staff act as mentors it is very likely that mentoring will take place on all levels. The administration should send the message that it wants its officers to succeed. This may sound simple but it is often overlooked. When a department demonstrates that it cares about its employees' contributions to the department, employees feel a greater motivation to succeed.

Mentoring Programs for Civilian Employees

As law enforcement agencies take steps to increase the use of civilian employees, consideration should be given to establishing a mentoring program for them. Mentors can be sworn or civilian employees and should participate in the mentoring programs described above.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

The following are websites that provide helpful information on developing a mentoring program:

Mentoring-A Promising Experiment in Minnesota, http://cyberwerks.com/dataline/agenda/mentormn.html

Police Officers for Minority and Women Mentoring
http://www.bayinsider.com/community/groups/pomentoring/

Action Mentoring-A Workbook
http://www.adinternational.com/adipages/actment.htm

Formal or Informal Mentoring
http://www.teachermentors.com/MCenter%20Site/formal.inf.html

The Mentoring Group-Worldwide Services
http://www.mentoringgroup.com/08_98_PG/ideas.htm

Endnotes for Chapter 7

[1] Williams, Julie, M.S., "Mentoring for Law Enforcement", FBI Bulletin, March 2000, pp19-25.
[2] Eric D. Poole and Mark R. Pogrebin, "Factors Affecting the Decision to Remain in Policing: A Study of Women Officers," *Journal of Police Science and Administration* 16, no. 3 (1988): 49-55.
[3] Williams, Julie, M.S., "Mentoring for Law Enforcement", FBI Bulletin, March 2000, pp19-25.
[4] April Kranda, "A Mentoring Program to Help Reduce Employee Turnover," *The Police Chief*, June 1997, 51-52.
[5] International Association of Chiefs of Police, "The Future of Women in Policing: Mandates for Action," (International Association of Chiefs of Police, 1998) 13-15.

Checklist for Mentoring for Retention

- ❑ A committee consisting of a diverse group of women officers has been established to design, monitor, and evaluate mentoring programs.
- ❑ Mentoring programs have been implemented to assist applicants during the selection process.
- ❑ Applicants are contacted on a regular basis during the selection process.
- ❑ Applicants are informed of programs to assist them in various phases of the testing process.
- ❑ Recruits are assigned mentors at the time of hire.
- ❑ Formal mentoring continues through the end of probation.
- ❑ Mentors are selected through a formal application process.
- ❑ Peer recommendations are solicited during the mentor selection process.
- ❑ Formal training is provided for mentors and mentees.
- ❑ Mentor training includes peer counseling, discrimination law, performance evaluation criteria, and issues faced by women in law enforcement.
- ❑ Mentors and mentees meet once a week during academy training.
- ❑ Mentors and mentees meet once a month during field training.
- ❑ Mentors and mentees meet while on duty.
- ❑ A command staff member meets with mentors on a regular basis.
- ❑ A coordinator is assigned to supervise the mentor program.
- ❑ Mentoring is also available to officers after the probationary period.
- ❑ High-ranking women are encouraged to mentor subordinate officers.
- ❑ A women's advisory committee is established to advocate for women employees.
- ❑ Employees are encouraged to attend training conferences.
- ❑ Employees are encouraged to join affinity organizations.
- ❑ Top command/administrators actively serve as mentors.
- ❑ Civilian employees are included in the mentoring program.
- ❑ The mentor program is evaluated at least once a year.

Chapter 8

Valuing Civilian Employees

Statement of the Problem

One of the major issues in talking about civilian employees in a law enforcement agency is what to call them. In this guide, we will use the term "civilian" to describe employees of the law enforcement agency who are not sworn police officers. In most law enforcement agencies, a large percentage of the civilian employees are women, making them a pool of potential candidates for sworn positions. These employees are usually assigned to the communications center, records, crime lab, and as staff support to various units. Law enforcement agencies need to be aware of employment issues facing these employees. For example, promotional opportunities have been frequently limited for civilian personnel and should be expanded at every opportunity. Civilian personnel often do not receive the recognition they deserve for their work and loyalty to the organization.

Labor Unions

Not only do civilian employees rarely belong to the same union as sworn officers, they are usually limited to membership in city/county/state clerical/office worker unions that often do not represent the interests and special problems of civilians working in police agencies. The police agency employees may not have enough clout or numbers in their union to get their needs addressed contractually. For example, civilians in police agencies are more likely to be required to wear uniforms in unions where there are no provisions for uniforms. Lunch hours and shift configurations outlined in non-police oriented contracts may not address the special issues of employees working non-traditional shifts, weekends, and holidays. Such issues as pay requirements for court overtime and provisions for safety and security on the job may not be addressed in a manner that meets the needs of someone coming into contact with offenders on a regular basis.

Equal Pay for Equal Work

Civilian positions in civil service classifications are traditionally lower paid than sworn. However, as civilian employees move into supervisory and command roles, a new issue emerges. In any situation where one group of employees (predominantly women) is doing the same work as another group of employees (predominantly men) and women are being paid less than the men, there is a potential problem. This is mainly an issue at the supervisory and management levels in law enforcement agencies. The civilianization of many positions has placed civilians in positions where they are doing substantially the same work as sworn commanders of other units and yet they have substantially less salary and benefits. This is true in positions such as the director of the records, crime laboratory, 911 communications center, fiscal administration and others. This situation needs to be examined to determine if adjustments in pay are required.

Legal Issues

Refer to above Statement of Problem and Labor Union sections for legal issues.

Possible Solutions, Model Policies and Practices

Career Path and Civilianization of Positions

To make the best use of civilian employees who are predominantly female and to expand promotional opportunities, the law enforcement organization should closely examine all non-patrol functions to determine if any of them can be civilianized. There is a growing recognition that some jobs in law enforcement agencies require more expertise than a sworn employee can provide. For example, it may be more effective to hire a civilian director of planning and research, information technology, human resources, or emergency communications. Agencies should take care to appropriately establish the pay and status attached to these positions if they are civilianized. (In some cases, civilian directors may be paid more than a sworn commander.)

To provide career enhancement and personal growth, agencies should not prevent civilian employees from moving to a different position within the agency if they meet the requirements for the new position. Agencies should establish job descriptions that describe the knowledge, skills, and abilities required for all management positions and to encourage civilian employees to apply for these positions.

Civilian employees provide a pool of potential recruits for law enforcement officers and also for consideration for special needs within the agency where a sworn status is not required. Training opportunities should be provided to civilian employees to assist them in preparing for promotion or consideration for other positions. Apprenticeship programs may be instituted for specialty positions such as forensics and crime prevention.

Another method of expanding career paths for civilian employees is to expand current job classifications. For example, an agency may have positions called data entry clerks that are responsible for entering case report information into the records management system. Agencies could create a career track of Data Entry Clerk I, II, and III that recognizes the increased expertise and resulting value that these employees bring to the workplace.

Inclusiveness

Law enforcement agencies frequently use exclusive language when speaking to both sworn and civilian members. From the top down, the agency should refer to mixed groups as "members" or something other than "officer." Memos, orders, newsletters, SOPs, unit commendations, and other documents should be clear as to whom they address.

For example, when a directive is issued on procedures for processing court overtime slips and the language refers to "officers," the civilian employees who also testify may be confused about whether the procedure applies to them. State specifically that the direction is for "officers," "civilians," or "all members." Have a civilian review written documents before they are published to make certain that concerns of civilian employees are addressed.

Being inclusive when speaking is even more difficult than when writing, but should be a goal for law enforcement command and supervisory staff. Saying things like "it's a proud day to wear a uniform" when it's something the civilian staff should be equally proud of can

be offensive to civilian staff members who do not wear uniforms. The chief and high-ranking personnel should set the example for inclusion. Let others know it's not OK to be exclusive. Inclusive language sends a message to both civilian members and other ranks of sworn personnel, that civilian employees are valued and viewed as important to the effectiveness of the organization.

Whenever possible, civilian employees should receive the same benefits as sworn personnel in areas such as tuition reimbursement and retirement programs.

Advocacy

Until the agency fully incorporates civilian employees and addresses the main issues discussed in this section, a respected, command-level individual should be assigned the task of civilian ombudsperson. If possible, this person should be a high-level civilian woman since most of the civilian employees are women. This ombudsperson should have the authority to receive and investigate issues brought forward by civilian employees when they are ignored or excluded. This person would be a resource to both the civilian employees and to the head of the agency about issues that need to be addressed. Ideally, the agency head will make it clear that advocacy for civilian issues is the responsibility of every commander and that it will be a factor in performance evaluations and promotional decisions.

Labor Unions

It may be necessary for management of the law enforcement agency to assist civilian employees in working with their labor union to address certain issues. One possible approach is to create "letters of understanding" on issues unique to the law enforcement employees to be appended to their contracts.

Equal Pay

In agencies where civilians have reached supervisory and command positions, it is necessary to ensure that pay is equalized when the civilian members are performing duties equal to sworn members. It may be necessary to take a closer look at traditional civilian police employee classification systems. Systems that worked when the division of duties was more distinct may no longer apply. For example, it may be desirable to change the classification of anyone, sworn or civilian, with the responsibility of commanding a unit to "unit commander" instead of having a sworn commander and a civilian director.

Equal Benefits

Whenever planning any type of benefit to be offered, agencies should be certain to keep both sworn and civilian employees in mind. For example, if parking is provided for officers assigned during an event (a presidential visit, for instance), then the same benefit should be extended to the civilians who are working the event.

Training

Civilian employees need to be provided training that enables them to perform their duties in an effective and safe manner. Joint training with sworn members on topics of mutual interest is particularly valuable. This increases the amount of training available to civilians and fosters understanding between sworn and civilian members. However, trainers should be advised that there are civilians in the audience and that they should use language that acknowledges the civilian presence. The speaker can merely refer to "police employees" rather than "officers," and when giving examples, give one or two civilian examples. To help ensure that trainers follow this instruction, agencies can add a question to the student evaluation form that asks if the instructors directed their course to all members of the audience.

Civilian employees have a great deal more in common with sworn officers than most people realize. They are dealing with the same public as the officers. The communication problems are the same, as are diversity matters, and many other issues.

Due to their areas of expertise, civilian employees may be the best choice as academy trainers for many topics.

Critical Incidents

Civilian employees should be included in debriefings or counseling sessions that may be scheduled after an officer is injured or killed, or some other major event has occurred. Civilian employees may have been friends of the injured officer. The people who transcribe and type reports of these incidents are also affected, and need to be considered when support is made available. There is a tendency to bring in a whole range of support to assist the sworn members and then completely ignore the civilians who may be hurting just as much. If the worst happens and there is a police funeral, make arrangements for civilian employees to sit with their units or include them somewhere in the service with their agency. Do not relegate them to sitting with the general public, or ignore them when providing transportation to the services.

Employee Assistance

Make certain the resources for employee assistance are equally available to civilian employees. The on-the-job problems civilians encounter are likely to be very similar to those experienced by police officers. If civilian members have access to an employee assistance program through their union or jurisdiction, it may not be equipped to address their unique needs as well as the program available to officers.

Inclusion of Civilian Staff

The command staff of any law enforcement organization should make an effort to include the concerns and input of civilian employees when developing personnel programs or policies. For example, the particular issues of civilian women should be included in the sexual harassment training program.

Women civilian employees are an over looked and under-valued resource in many law enforcement agencies. High-level women civilian employees should be included in routine staff meetings and on special committees. These employees have a great deal to offer in the way of information and experience. When they are included they need to be employed usefully and as part of the team, not just as note takers. Civilian employees have ideas, perspectives, solutions, and connections that can be extremely valuable. Civilian employees often closely interact with other agencies and government entities and thereby have knowledge that officers do not have. Often there are facilitators in the civilian ranks — people in fairly low-level positions who do not have a great deal of official power, but who know how to get things accomplished.

Be sure to include civilian members on advisory committees established by the agency. Include the civilian supervisors and managers with the supervisory level sworn. Safety committees are an important area for civilian representation because there are many safety concerns for civilian members of an agency. They may also represent the issues of desk-bound sworn.

Civilian employees are also frequently more aware of the agency's need for security than are sworn personnel. People who carry guns may worry less about the dark corners of the parking garage, or the insecure areas of the building at night.

Mentoring

Remember to include civilian employees in mentoring programs. While it would be more common to have sworn employees mentor sworn and civilian employees mentor civilian, it is not absolutely necessary. A command level civilian may well be the appropriate mentor for an upcoming sworn member.

Rewards and Recognition

While individual divisions and units may have "Employee of the Month" programs or other forms of recognition, the agency award program should also include recognition for civilian accomplishments. Adding award criteria to recognize civilian accomplishments is a very positive move. The type of award or change in criteria this requires may often also create the means to recognize commanders, detectives, and others who also may not normally be in a position to be rewarded for exceptional service.

Community Policing and the Civilian Employee

If the agency is truly a community policing agency, civilian employees should have a clearly defined role in community policing. Most agencies that have made the transition to community policing have long realized that in order to be successful, the entire agency must buy into the philosophy, as opposed to just having a community policing unit. Yet many agencies still have large numbers of civilian employees who have non-existent, blurry, or ill-defined roles. In many cases, civilian employees are the main, or only, point-of-contact for many citizens. Having them trained and incorporated into community policing makes sense. Civilian employees can be used for community outreach. A records division employee may be just the person to teach people how to fill out mail-in police report forms at a local community center.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

Debra Haugen, Records Manager, Portland Police Bureau, Oregon, 503-823-0056, is an expert on issues of civilian women in law enforcement.

Len Golden-Price, Director of Administrative Services, Planning Research and Development Division, El Paso Police Department, at 915-564-7381 is also an excellent resource on these issues.

Checklist for Valuing Civilian Employees

- ❑ A clear career path exists for civilian employees.
- ❑ All positions in the law enforcement agency have been evaluated to determine which ones should be civilianized.
- ❑ Civilian employees are paid according to their level of responsibility commensurate with sworn employees.
- ❑ There is an effort to use language that is inclusive of civilian members.
- ❑ A command-level person has been assigned as the advocate for civilian members in the agency.
- ❑ Evaluation forms are appropriate for civilian-held jobs.
- ❑ Civilians receive equal benefits, formal and informal, as sworn members.
- ❑ Civilian members are included in training programs designed for sworn officers.
- ❑ Civilian members are used as trainers for some classes attended by sworn members.
- ❑ Civilian members are included in debriefings or counseling sessions made available after critical incidents.
- ❑ Employee assistance programs are equally available to civilian members.
- ❑ Civilian members are included in command staff meetings.
- ❑ Civilian members are included as members of employee special issue teams.
- ❑ Advisory committees include civilian members.
- ❑ Safety committees include civilian members.
- ❑ Mentoring programs are available for civilian members.
- ❑ The agency employee assistance program offers counseling and other services to civilian members.
- ❑ Civilian employees are included in the department mentoring program.
- ❑ The agency-wide award and recognition program is structured to allow opportunities for civilian employees to be recognized for distinguished service.
- ❑ Civilian members have a clear understanding of their role in community policing.

Chapter 9

Implementing Family-Friendly Policies

Statement of the Problem

Many law enforcement administrators are worried about retaining qualified women officers. A study of why women leave policing was conducted in Canada. The Royal Canadian Mounted Police reported an attrition rate of 16% for women compared with a rate of 8.7% for men. Women cited family-related issues as the main reason they left policing.[1] The issues of pregnancy and childcare will affect many women in law enforcement at some point in their careers. How an agency handles these issues can greatly impact the recruitment of women, employee morale, a woman's ability to remain an active employee during her pregnancy, and employee retention. Employer policies that reassign or restrict women solely because they are pregnant, and without regard to whether they can perform their job in an effective and safe manner, are not only unlawful but can create financial and emotional hardships on women officers. In addition, rotating shifts can create problems for pregnant women. As more women enter law enforcement it is imperative that departments have comprehensive and clearly defined pregnancy and childcare policies that emphasize fairness, flexibility, and safety.

Agencies Are Not Providing Employees With Adequate Information

Providing employees with clear policies is the first step in addressing the needs of pregnant employees. While the passage of the 1993 Family and Medical Leave Act (FMLA) established federal minimum leave requirements for private, state, and local government employees, it does not cover the full range of issues that women in law enforcement face when they become pregnant. There is a tendency for departments to rely too heavily on the FMLA, neglecting to provide women with the specific policies and information on such important issues as notification procedures, availability of light duty assignments, paid and unpaid leave benefits, range qualification for pregnant employees, maternity uniforms, and other issues.

Some Agencies Have Unlawfully Discriminated Against Pregnant Employees

One of the biggest complaints from pregnant female sworn officers is that when they notify their department that they are pregnant, they are removed from their position. There are sometimes no efforts to find light duty positions for pregnant women.

Legal Issues

Discrimination on the basis of pregnancy, childbirth, or a related medical condition is discrimination on the basis of sex. Women affected by pregnancy, childbirth, or related medical conditions should be treated the same for all employment-related purposes, including receipt of benefits, as other persons not so affected but similar in their ability or inability to work. For example, pregnant women should be treated the same as a man who breaks his leg in an off-duty accident. Employers are prohibited from forcing a pregnant employee to take disability leave as long as the employee is still physically fit to work. Employers may not alter a woman's assignment against her will based on her pregnancy if that decision is based on stereotypes about what kind of work pregnant women should do or on concerns about how the public or other officers will react to a pregnant officer.

The FMLA provides agencies with a starting point for developing leave policies. This law contains provisions on such issues as employer coverage, employee eligibility, entitlement to leave, maintenance of health benefits during leave, job restoration after leave, notice and certification of the need for FMLA leave, and protection for employees who request or take FMLA leave. Refer to **Appendix G** for **Frequently Asked Questions Concerning Pregnancy**.

The FMLA provides minimum guarantees. It does not take away other benefits provided through employer policy or collective bargaining agreements. Moreover, many state laws provide greater protections for pregnant and parenting employees than the federal FMLA. Thus, if labor contracts or state laws already require the agency to provide more family and medical leave than the FMLA mandates, the FMLA does not reduce that requirement. Agencies must comply with whichever provisions are most generous to the employee. Correspondingly, collective bargaining agreements may not be used to diminish workers' rights under the FMLA. Similarly, the Pregnancy Discrimination Act (PDA) requires that pregnant women and women disabled by childbirth or related medical conditions be treated at least as well as employees who are not pregnant but who are similar in their ability or inability to work. The PDA does not prohibit the provision of additional benefits to pregnant employees.

US Supreme Court decision in UAW v. Johnson Controls. *In this landmark sex discrimination case, the Supreme Court ruled that employers were prohibited from adopting fetal protection policies that exclude women of child-bearing age from certain hazardous jobs. This decision as well as others has established that employers are prohibited from forcing a pregnant employee to take disability leave as long as the employee is still physically fit to work.*

Possible Solutions, Model Policies and Practices

A. Comprehensive Policies

The most important first step a department can take is to develop a comprehensive policy regarding pregnancy and childcare issues. A department will want its policy to cover the following areas:

• Eligibility for and Duration of Pregnancy and Childcare Leave

Under the FMLA, eligible employees may take 12 weeks of unpaid leave for the birth or adoption of a child. If an employee elects to use accumulated paid leave benefits such as sick leave, vacation, or compensation time, departments should not count this time toward the 12 weeks of leave, although the FMLA allows them to do so. Conversely, departments should not require that an employee exhaust all sick, vacation, holiday, and personal leave before they can apply for unpaid leave. Many departments will want to consider allowing longer periods of pregnancy and childcare leave, and every effort

should be made to permit the maximum amount of childcare leave. For example, the New York State Police Department allows employees up to 1 year of unpaid leave, which is an extension of the state's permitted 7 months. The availability of such leave may well be a factor in recruiting and retaining qualified women. The department should structure such leave so that the taking of leave does not hinder performance ratings or opportunities for advancement. The time on unpaid leave should count in determining an officer's seniority. To the extent leave is available for childcare purposes, it should be available to men on the same basis.

- **Light Duty**

One of the most critical components of a pregnancy policy is inclusion of a light duty policy. Many pregnant women in law enforcement positions will want the option of moving to a light duty assignment at some point in their pregnancy. Without the option of a light duty assignment, many women may have to take unpaid leave, creating financial and emotional hardships that can be avoided. Light duty assignments may include a transfer to different duties or a modification in current duties. If the department provides light duty assignments for other employees who have non-service related temporary disabilities, then they are required by law to provide the same assignments for pregnant employees. However, a pregnant officer should not be forced into a light duty assignment against her will if she is physically able to safely perform her current assignment. If the officer's ability to perform her assignment is at issue, consultation with a physician may be necessary. The best light duty policies are flexible; have no time limit on how long a pregnant woman can be assigned to light duty; leave the decision as to when to commence a light duty assignment with the pregnant officer and her physician; and stipulate that officers on light duty will continue to receive normal promotion and pay increases while in that status, and that retirement benefits will not be affected. Refer to **Appendix H** for **IACP National Law Enforcement Policy Center Temporary Light Duty Concepts and Issues Paper**.

- **Range Qualification**

Both the exposure to lead poisoning and the noise from firing weapons are harmful to the fetus. Because of this, many departments have eliminated range qualification for pregnant officers until they return to work, whereupon they are tested. For example, the New York State Police Department eliminated range qualification for pregnant employees; they are tested once they return from maternity leave. Other departments such as the Portland Police Bureau are opting to create safeguards that allow women to continue to fulfill their weapons qualification while pregnant. When this is the case, measures must be taken to provide a safe environment for testing consistent with the recommendation of the officer's physician. Safeguards may include substituting live fire shooting for dry fire capability; providing lead-free ammunition; providing sound silencers for the pistols; using firearms simulation technology and removing the requirement that a pregnant woman test on the department shotgun. Many law enforcement agencies are utilizing firearms simulation technology that could be used for pregnant women. Departments should also provide lead-free ammunition for women who are breastfeeding.

- **Uniforms**

Providing pregnant employees who wear uniforms on a day-to-day basis with maternity uniforms is critical to making pregnant women feel valued by their department. The lack of a proper uniform should not be a factor in a pregnant women's decision to leave her post. Providing uniforms for pregnant employees sends a strong message to those inside and outside the department that women law enforcement officers can be both mothers and criminal justice professionals.

Some departments provide that pregnant officers transferred to light duty may wear civilian clothing. However, a department may elect (or be ordered by a court) to permit the wearing of a specially designed maternity uniform, if such a uniform is available. On this issue, the wishes of the employee should be given the utmost possible consideration if litigation is to be avoided.

- **Disability Insurance and Paid Leave Benefits**

Several states, including California, Hawaii, New Jersey, New York, Rhode Island, and Puerto Rico pay partial wages during time off from work for medical problems, including those of pregnancy. This law is termed "temporary disability insurance." Federal law requires that these benefits be afforded to women disabled by pregnancy on the same basis as they are provided for other temporary disabilities. In addition, some agencies offer this type of insurance, but limit its availability to those employees who have served for a minimum number of years. Agencies should notify employees about what kinds of disability benefits are available and have a designated person to assist the employee in determining how much time she can take in a full-pay status as well as a reduced pay status.

B. Childcare Issues

Beyond a comprehensive policy for pregnancy and childcare leave, each department should closely examine the resources and programs it provides for employees with children. Since the impact of child rearing continues to disproportionately affect women and their jobs, it is incumbent upon the police department to provide as many resources and as much flexibility as they reasonably can. Providing an on-site or off-site childcare facility should be considered, as well as job sharing and part-time schedules. These resources should be made available to male and female employees on the same basis.

Model Policy:
The Portland, OR, Police Bureau has developed a childcare facility at their headquarters building. The program, called The Day Watch, is operated by a state-certified childcare business under contract with the Police Bureau. It offers full-time, part-time, and drop-in childcare. It is open from 6 a.m.-6 p.m., Monday through Friday. The program has recently been expanded to include other employees in the Justice Center building such as corrections officers, district attorneys, judges, and state crime lab personnel.
Contact Information: Assistant Chief Lynnae Berg, Portland Police Bureau, at 503-823-0008 for details.

C. Flexible Work Options

As more women are entering law enforcement and more men are taking an active part in the rearing of their children, the demand for flexible work options is increasing for all officers. Law enforcement organizations that offer flexibility to their employees on issues of shifts, part-time work, and leave will be more attractive to potential recruits. These strategies could bring benefits to the law enforcement agency in the form of better retention of pregnant women and families with young children or elder care responsibilities. When utilizing flexible work options, agencies must ensure that employees who exercise these options are not stigmatized or treated as less serious or less worthy of promotion than employees holding traditional, full-time positions.

The Sacramento Sheriff s Department has a program of on-call reserve deputies. This program provides an alternative to full-time service for individuals who wish to retire or resign, but still work part-time as deputy sheriffs. These deputies are trained and paid, but do not receive benefits. Full-time employees may apply to be transferred to the on-call system. Employees with family-care issues who need to have a very flexible work schedule have used this system. Deputies may sign up to work certain shifts or days of the week. They may refuse work if it does not fit their needs. If desired, the deputy may apply to return to full-duty status.
Contact Information: Sacramento County Sheriff's Department, 916-874-5094.

The Portland Oregon Police Bureau, in cooperation with the Portland Police Association, has developed a Part-Time Agreement for employees who wish to job-share.
Contact Information: Assistant Chief Lynnae Berg, Portland Police Bureau, at 503-823-0008 for details.

Endnotes for Chapter 9

[1] Belinda Crawford Seagram and Cannie Stark-Adamec, "Women in Canadian Urban Policing: Why Are They Leaving?," *The Police Chief*, October 1992, 120-127.

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Checklist for Implementing Family-Friendly Policies

General

- ❑ The department has a clearly written policy with the following areas covered:
  - ❍ Eligibility: The types of leave, the qualifications for each, and the lengths permitted.
  - ❍ Notification and Forms: Describes any forms that need to be completed and to whom they are submitted (including forms that need to be completed while the employee remains on the job and any forms that need to be completed prior to her return from maternity leave).
  - ❍ Paid and Unpaid Leave Benefits: States whether the department requires that an employee exhaust all sick, vacation, holiday, and personal leave before they can apply for unpaid leave. Also states whether pregnant employees can use accumulated sick leave and whether paid leave counts towards the FMLA minimum of 12 weeks of leave.
  - ❍ Disability Insurance Benefits: States under what circumstances temporary disability insurance benefits are available, explains the process, and provides forms needed to apply for benefits.
  - ❍ Light Duty Assignments: States whether light duty assignments are available to employees, including pregnant employees, and how they request such an assignment.
  - ❍ Maternity Uniform: Provides information on how to order maternity uniforms and any uniform requirement for pregnant women working in enforcement assignments and light duty assignments.
  - ❍ Range Qualification: Describes whether the department requires range qualification for pregnant employees and, if so, describes the safety measures taken to protect pregnant employees.
  - ❍ Maintenance of Benefits: States the department's coverage of benefits while a woman is on leave and describes any procedures a woman should follow to pay her portion of insurance, if necessary (usually an issue if the woman is taking unpaid leave).
  - ❍ Job Restoration: States the department's policy once the woman is ready to return to work.

Range Qualification

- ❑ The department does not require a pregnant employee to complete range qualification while pregnant.
- ❑ The department does require a pregnant employee to complete range qualification, but provides the following safeguards:
  - ❍ The department provides lead-free ammunition for pregnant employees during range qualification.
  - ❍ The department provides sound silencers for the pistols for pregnant employees during range qualification.
  - ❍ The department allows the pregnant woman to be tested in a more protected environment, preferably outside.
  - ❍ The department only requires a woman to test proficiency with her duty weapon and not with a shotgun.

Light Duty

- ❑ The department provides light duty assignments for pregnant employees.
- ❑ A pregnant employee is not removed from her duty assignment against her will just because she is pregnant.
- ❑ The date of transfer to light duty is based in part on a physician's recommendation.
- ❑ The department places no limit on the amount of time that a pregnant woman can be in a light duty assignment.
- ❑ Pregnant women on light duty assignments will continue to receive normal promotion and pay increases and other benefits while on light duty.
- ❑ Retirement benefits are not affected by light duty.

Uniforms

- ❑ The department provides pregnant employees with a maternity uniform option.

Child Care

- ❑ The department offers on-site or off-site child care.
- ❑ The department has explored the possibility of offering on-site or off-site childcare.

Chapter 10

Monitoring Performance Evaluations

Statement of the Problem

Performance evaluation systems are often problematic for law enforcement agencies. Many agencies that have adopted community-oriented policing have not yet updated their performance evaluation system. Therefore, officers may be evaluated on behaviors that differ from the desired behaviors. As noted by Trojanowicz and Bucqueroux, (1992), "all too often, formal evaluations over-value those who 'play the game' by generating the numbers. Indeed, too many performance evaluations penalize those who innovate."[1]

Even when performance evaluations are updated to reflect community policing values and criteria, the potential for evaluating male and female officers differently may continue to exist. As explained by Miller (1999), "traditional gender-role expectations play a part in how men's and women's job performance may be perceived and evaluated in many community policing situations."[2] Miller notes that men working with children's activities were "highly praised" for their activities while women carrying out the same activities were "merely accepted without fanfare." Miller adds: "Thus it is that, given traditional gender-role expectations, in many community policing situations, women do not get any or enough credit and men get too much."[3] As a result, "unfair standards of evaluation are manifested in the assumptions made about gender roles and about who is 'working' versus who is 'doing what comes naturally.'"[4]

Performance evaluations have been used as a tool to discriminate against or harass women employees. Women may be held to a higher standard of performance than their male peers or be expected to generate more activity than their peers in order to be considered equally competent. They may receive lower grades based on myths about women officers such as "they are not strong enough or brave enough to do the job."

Since performance evaluations are frequently used as the basis for making decisions on transfers, specialty assignments, and promotions, a fair and unbiased performance system is absolutely essential to a law enforcement agency.

Legal Issues

Personnel experts and legal counsel should review performance evaluation programs. Collective bargaining agreements may also cover performance evaluations in some jurisdictions.

Possible Solutions, Model Policies and Practices

Adequately addressing all of the issues for developing a performance evaluation system is beyond the scope of this document alone. Excellent information about performance evaluations, especially as they relate to community policing, can be found in:

1. "Toward Development of Meaningful and Effective Performance Evaluations" by Robert Trojanowicz and Bonnie Bucqueroux. www.ssc.msu.edu/~cj
2. "Evaluating Patrol Officer Performance Under Community Policing, The Houston Experience," by Mary Ann Wycoff and Timothy N. Oettmeier, Ph.D. National Institute of Justice, February 1994.
3. "Evaluating Police Officers," by Robert Trojanowicz
4. "Discover the Performance in Your Employees," (Santa Rosa, CA) by Mary Riley
5. "Community Policing: Training Issues," by Robert Trojanowicz and Joanne Belknap

This section will concentrate on performance evaluation issues as they relate to women in law enforcement and steps that can be taken to eliminate the potential or actual bias that exists in performance evaluations.

What Should be Evaluated?

In examining performance evaluation systems, the agency should first determine the desired performance of all officers. In other words, what are we evaluating? Many performance evaluation systems require that employees be graded on vague, undefined criteria such as "command presence," "loyalty," and other very subjective terms. Evaluations based on such attributes are often problematic, especially for female officers. They are subjectively interpreted and this permits bias, both conscious and unconscious, to creep in. "It is the rare manager who is an impartial judge because most managers have a difficult time appreciating some differences in their staff."[5]

Agencies should refer back to the job description and the ideals articulated by the department administration in order to determine the behaviors to be evaluated. Ideally, the job description was developed in conjunction with the community. The community should have input into the process of developing the role, duties, and functions of police officers.[6] Community input regarding how officers should be evaluated is also desirable.

A good performance evaluation system should measure officers' activities that contribute to community policing. Ideally, the types of activities measured would change with the changing needs of the community. The types of activities measured would also change depending on the geographic area or the specialty field assigned. Administrators should closely examine the activities to be rated to make certain that they support the community policing mission.

How Do We Measure?

Qualities or activities to be evaluated should be objectively measurable to the extent possible. Activities that can be quantified such as the number of community meetings attended or the number of citizen complaints received is easy to evaluate. More difficult is measuring qualities of an officer such as integrity or initiative. However, statements of desirable behavior can be developed and the employees can be rated on those statements. An example of such a statement is "Displays an understanding of community policing principles." After rating the employee on that statement, the supervisor should be required to provide documented examples to support the rating. Obviously, performance evaluations should be based on behavior as much as possible to eliminate bias and prejudice.[7]

What is the Measurement Standard?

The above referenced literature deals with different types of performance evaluations that measure how well an employee exhibits behaviors identified as desirable, and meets goals. However, many personnel evaluations compare employees to a standard. If such an evaluation is used, supervisors need guidance on understanding the measurement standard. Are they comparing the employee they are evaluating to an ideal employee or an "average" employee? Is a numerical scale to be used or will the employee be evaluated within a general category such as "exceeds a standard?" No matter what standard is used, the criteria should be clearly defined so that all supervisors in the department are using the same standard. In addition, criteria should be behaviorally anchored. This means that the category can be measured by observing an employee's performance.

Training Evaluators

One of the most important factors in developing a job-related, non-discriminatory evaluation system is the training of the evaluators. Performance evaluation is frequently seen as an unwanted responsibility. Supervisors should understand how the performance evaluation system fits into the entire program of community policing. They must be instructed in how to avoid discrimination in ratings. They should be given training about the standards developed and how to measure performance. They should understand how to document good and bad performance and how to use the performance evaluation system as a tool in improving performance.

Supervisors should understand that performance has to be measured during the entire evaluation period and not just at the time the evaluation report is written.

Setting Goals for Performance

Effective performance evaluation systems set performance goals at the beginning of the evaluation period. Goals are either set for a unit or may be individualized. The supervisor and employee should work together to set goals for the next evaluation period. The goals should be clearly defined and agreement reached on how they will be measured. Failure to have a clear understanding of what the goal is and how success will be measured allows a supervisor to introduce bias or prejudice into the evaluation. Goals that are set should be evaluated to determine that they are equitable. For example, setting higher goals for women than men should not be tolerated.

Reviewing Evaluations for Bias

All performance evaluations should be reviewed for bias. There are several ways bias can be spotted.

- Compare how the supervisor rates women employees in relation to male employees. If women employees are receiving lower ratings, it is an indicator that the rater may be biased. Whenever a woman receives a low rating, carefully examine the basis for that rating and determine if men are receiving the same ratings for the same performance. One example would be if a woman is given a low rating on maintenance of her vehicle and yet men driving the same vehicle during the same period of time are not given low ratings.
- Closely monitor the performance evaluations of any woman who has complained of discrimination or harassment. The performance evaluation is frequently used as a tool for retaliation. One way to monitor this is to compare her evaluations in the past with current evaluations and see if there has been a noticeable drop in scores or an increase in "improvement needed" areas since she made her complaint.
- Note the areas in which women receive low ratings. These ratings frequently reflect the bias of the rater; especially for such subjective characteristics as "loyalty" (which in our opinion should not be a factor that is rated). If a woman has complained of bias or harassment, she will probably receive a low score in "loyalty." Another behavior that could result in a low "loyalty" score is when a female officer does not choose to participate in off-duty activities with her co-workers. This may also be used as an example of how a woman "does not work well in a team." Another area where women frequently receive low ratings is the subjective "command presence." Many men do not believe that women in general have a "command presence" – a very masculine description of an attribute. Such subjective, gender-biased factors should not be included in an evaluation system.
- Frequently, the excuse given for low ratings of women is a statement such as the following: "Well that is just Sgt. Jones. He is a severe rater." Do not buy into this argument. With proper training, all supervisors should be using the same measurements of performance. And when it comes time for promotion, the promotion panel will look at the rating and not pay any attention to who performed the evaluation. If Sgt. Jones is a severe rater, he should be sent for additional training until he either learns the proper way to evaluate or is removed from supervisory responsibilities.
- All employees should be evaluated on their compliance with policies about discrimination and harassment. Their treatment of women and other protected classes should be evaluated. In addition, supervisors and management personnel's own evaluations should include an assessment of their ability to maintain an harassment-free workplace and handle incidents of discrimination and harassment.

Endnotes for Chapter 10

[1] "Toward the Development of Meaningful and Effective Performance Evaluations," (Michigan State University, 1992) 12.
[2] Susan L. Miller, *Gender and Community Policing: Walking the Talk* (Boston: Northeastern University Press, 1999) 220.
[3] Miller, 220.
[4] Miller, 220.
[5] Mary Riley, "Discover the Performance in Your Employees," *Community Policing Consortium* (1999) 2.
[6] Robert Trojanowicz, "Community Policing: Training Issues," (Michigan State University, 1986) 7.
[7] Robert Trojanowicz, "Evaluating Police Officers," (Michigan State University, 1998) 3.

Checklist for Monitoring Performance Evaluations

- ❑ Performance evaluation criteria are based on job descriptions that were developed with community input.
- ❑ Performance evaluations have been reviewed by legal counsel and personnel experts to eliminate areas of potential bias or discrimination.
- ❑ Evaluators receive effective training on the performance evaluation system.
- ❑ Evaluators are trained on how to prevent bias and discrimination in ratings.
- ❑ Performance goals and how they are to be measured are determined at the beginning of the evaluation period.
- ❑ Performance expectations and ratings are the same for all officers similarly situated.
- ❑ Performance evaluation ratings are based on observed behavior.
- ❑ Performance evaluations are based on performance during the entire rating period.
- ❑ Every employee is evaluated on compliance with policies about discrimination and harassment.
- ❑ Officers' activities that contribute to community policing are evaluated.
- ❑ The performance evaluations of employees who have filed complaints of discrimination or harassment are carefully reviewed for possible retaliation.
- ❑ Periodic reviews of both the performance evaluation system and individual evaluators are conducted to identify and correct any bias.

Chapter 11

Assignments and Promotion

Statement of the Problem

Assignments to specialty units are highly sought after by many law enforcement officers. Not only do these assignments provide new challenges and duties, but they also help broaden the officers' experience and enhance promotional opportunities. For those reasons, assignments can be an area where discrimination occurs. Women frequently relate instances where they have been denied transfer to prestigious units such as narcotics, gangs, SWAT, motorcycles, canine and horse patrol, field training officer, and instructor at the police academy. Women are, however, often given transfers to units that are more service-oriented such as juveniles, child abuse, community relations, crime prevention, and domestic violence. Male officers may see these units as less desirable and promotional boards may not value the experience gained.

Two main areas are of concern regarding promotion of women in law enforcement. The first area of concern is that the promotional process and promotional criteria may be biased against women. The second is that women may not apply for promotion.

Promotion Systems Can be Biased Against Women in Many Ways:

- The use of seniority and prior military experience as desirable factors may put women at a disadvantage.
- The use of promotability ratings or performance evaluations, which may be gender-biased, results in the promotional process being biased. (See Monitoring Performance Evaluations.)
- The consideration of prior assignments is a double-edged sword for women. In some agencies women may not be given the opportunity to acquire a good foundation in patrol experience, instead being moved quickly to traditional female role assignments. In other agencies, women are denied assignment to coveted positions. Many of these coveted assignments are to units that have remained traditional male assignments such as motorcycle, SWAT, street crime and gang units, field training officer, and academy instructor. Keeping women in patrol and denying them other assignments or moving them too quickly out of patrol limits their experience and can adversely impact their ability to be promoted.
- Specialist assignments do not necessarily provide the desired background and training for future promotion. For example, in some law enforcement agencies, women are

assigned to positions considered to be more like social work or to positions for which women are very well suited such as juveniles, crime prevention, domestic violence, or sexual assault. While all of these positions are important, they are seldom viewed by the male officers as desirable or as "real police work." And by filling these jobs with women officers, the law enforcement organization loses the opportunity to assist male officers in expanding their skills in these areas. The experience women gain from these types of specialist positions is often not valued by an oral interview panel, or given as much weight as experience in gang units or SWAT teams.

- Another problem is encountered in the selection for officers to temporarily fill positions in higher classes, for example, as an acting sergeant during the regular sergeant's vacation, or to receive assignments as a field-training officer or as an instructor in the academy. Often women are not given these opportunities. Reasons given may include a larger senior officers pool or; the candidate has not acted in the capacity before; or the candidate has not received certain training. Being denied appropriate assignments and out of class work negatively impacts promotional opportunities.
- The promotional process may also disproportionately screen out women. The use of oral interviewers who are members of the agency can build in bias. Internal interviewers, no matter how well intentioned, may tend to favor their friends. They may also tend to exaggerate negative information they have heard about candidates. While use of internal interviewers can adversely impact all candidates, it may be especially biased against women and minority candidates. Even the use of interviewers and raters from outside the agency can adversely impact women if the raters are not carefully screened for bias and adequately trained.
- Progress in promoting women to the higher ranks has been slow. While women currently comprise 14.3% of sworn law enforcement personnel, they comprise only 5.6% of the top command positions.[1] This may be due to promotions to higher ranks being more subjective than those to lower ranks. It may also be that the lack of access to appropriate training, varied assignments, and mentoring becomes more evident at higher ranks.

Another major area of concern is that in many law enforcement agencies, women do not apply for promotion. Women give various reasons for not seeking promotion. Some women do not seek promotion because they know that they will have to continually prove their capability should they win a promotion. Many agencies lack a supportive climate to encourage women to aspire to promotions. While most newly promoted individuals face that issue, women continue to face a greater challenge than men to prove they can supervise and lead. Another issue for women is that many are the primary family caregivers and face the additional burden of child care issues. A promotion often means a change of shift and days off, which may have a negative impact on the family. Women also look at the fairness of the promotional system. Of course, some women choose not to seek promotions because they are happy with their current positions. The real problem is when qualified people with the desire to be promoted choose not to apply because they perceive the goal as being unattainable.

Furthermore, if it appears that the system is biased and that few women are promoted, they may choose not to compete.

Legal Issues

Personnel and legal counsel should review promotional examination processes. Federal and state Equal Employment Opportunity laws and regulations, civil or selective service rules, and union contracts need to be reviewed when designing or changing the promotion process.
Also see the "Removing Obstacles in the Selection Process" section for a discussion of biased testing.

Possible Solutions, Model Policies and Practices

To encourage women to seek promotion, agencies should actively recruit and promote women through promotional processes that are fair and unbiased, and ensure that the agency has family-friendly programs in place. The 1998 IACP survey, "The Future of Women in Policing: Mandates for Action,"[2] shows that in departments that actively recruit women, women police officers appear more likely to seek promotion.

To begin to address and resolve promotional issues relating to gender, a review of the entire current promotional process needs to be undertaken in order to identify where women are eliminated or rated lower than men. (See the "Removing Obstacles in the Selection Process" section for a description of how to identify obstacles in the process.)

Confidence of Women in the Fairness of the Promotional System

The first question that needs to be addressed is "Are women applying for promotional exams and positions?" If not, "Why not?" The best way to determine this is to survey women who are eligible for promotion. An independent consultant should conduct the survey. The results of the survey may highlight areas that need to be improved. Small group discussions, focus groups, and other similar methods of gaining input may be utilized to identify issues that need to be addressed.

Preparing Women for the Promotion Process

A crucial factor in whether an applicant is successful in the promotion process is the breadth of experience the applicant possesses from serving in various assignments within the law enforcement organization. As discussed previously, women need to gain experience in units that are highly valued by the raters in the promotion process. Experience in units such as SWAT, street crimes, gangs, motorcycles, homicide, narcotics, vice, and as a field training officer is often considered by promotion panels to be better than experience in domestic violence, sexual assault, child abuse, juveniles and crime prevention. The law enforcement administrator should make sure that women are receiving these highly desired positions equally with men and should also ensure that the promotion process values experience in the service-oriented types of units. In addition, women having mentors to guide them during their career is important. (See "Mentoring for Retention" section.)

To make certain that assignments are awarded fairly, the head of the organization should develop an objective, written assignment plan with criteria for obtaining specialized positions within the organization. This plan should be discussed with managers, and published and evaluated on a regular basis. Assignment patterns by race and gender should then be monitored closely.

Examining the Promotion Process

Each section of the examination process needs to be reviewed to determine if there are areas where women fail or score lower than men. If such areas become apparent, analysis is necessary to determine the reason this is occurring. (See the "Removing Obstacles in the Selection Process" section for a description of how to identify obstacles in the process.)

Job Description

To ensure a quality promotional system, a job description for each promotional position should be developed. All the issues identified in the earlier job description section relate to promotional positions. Again, the knowledge, skills, and abilities required to successfully perform the duties of the rank or classification should reflect values of community policing, such as encouraging innovation in subordinates as well as enforcing adherence to rules. The development of the job description should involve community, managerial, and subordinate input to ensure that the job description adequately covers all aspects of the position.

Developing a Promotion Process

Once the job description is developed, the next step is to determine the testing process to be utilized. Remember that not only must the criteria for a position be valid, i.e. job-related, but the test content must be valid as well, i.e. it actually measures the job-related criteria. To develop a valid test for a position, it is necessary to remove, as much as possible, the opportunity for subjective judgments and bias. Testing procedures should be job-related and non-discriminatory. If there is evidence of adverse impact, the agency must minimize the adverse impact to the extent possible.

Using Assessment Centers

As early as 1977, experts in the field of promotion selection called for the use of assessment centers by police agencies.[3] They recognized that the subjective nature of the promotability ratings and the oral interview were problematic and potentially discriminatory. Assessment centers provide a means to observe candidates in more realistic job tasks. Candidates can be observed in a variety of settings that closely resemble the activities they will be performing in the promotional position. Again, assessors used should be from the community and be professionals who have been adequately screened and trained. Law enforcement organizations should hire consultants with expertise in designing and implementing assessment centers.

Traditional Promotion Systems

Many agencies do not use assessment centers, but use a traditional combination of written examinations and structured oral interviews to assess candidates for promotion. If this process is used, safeguards need to be instituted to guard against gender bias. If a written examination is to be used, publish a reading list several months in advance of the examination. This gives all potential applicants the opportunity to prepare for the test. In addition, some agencies further reduce bias by using blind exercises so that the individuals or panel scoring the exercise do not know the author of the written exercise. Agencies should consider using the written examination on a pass/fail basis in order to reduce adverse impact. If a structured oral interview is to be used, the interviewers should be drawn from outside the agency. Interview panels should be made up of members of the community and police personnel from other jurisdictions, should include women and minorities, and must be prescreened to eliminate individuals who are gender-biased. Such an interview panel needs adequate training in proper interview techniques and questions. As much as possible, the interviews need to be structured for consistency in rating. (See the "Removing Obstacles in the Selection Process" section for further information.)

Promotablity Ratings

Some law enforcement organizations solicit input from current supervisors to assess the candidate's potential for promotion. The candidate is rated on a scale or provided some other scoring that is used in determining the final placement on the promotional list. Promotability ratings and subjective evaluations should not be used in determining who is promoted. Such processes are subject to bias and may be used as a method of retaliation. Utilize objective criteria that will help in selecting from among the qualified candidates. Criteria such as level of education, involvement in the community, special training received, and other desirable accomplishments should be considered in making promotion decisions. Clear, objective criteria should be established as desirable for promotion. The criteria should be posted and supplied to each employee so that they have adequate time to prepare themselves for promotion. Agencies may want to consider establishing a diverse committee of employees and community members to establish this criteria.

Seniority

Seniority should not be used to enhance a candidate's score. There is no documented basis to show that greater seniority contributes to better job performance. If seniority is used at all, it should only be used to set a minimum qualification for taking the promotional exam. The minimum qualifications necessary to apply for promotion to the position should be identified and published. These minimum qualifications typically involve educational requirements and a minimum number of years of service at a lower rank. The qualifications necessary to enter the promotional process should be as broad as possible to include a large number of people.

Creating a Climate of Support for Women

Law enforcement administrators must take steps to assure that the promotional process is fair. Then they should take steps to communicate to women employees that the organization truly wants to promote women. As stated previously, the first step is to actively and successfully recruit women officers. Aggressive recruitment of women is visible proof that the organization values women employees. Additionally, in some agencies the Chief, the Sheriff, or other command staff contact women individually to encourage them to take promotional examinations. Some organizations have mentoring systems to encourage women to compete for promotion. Some senior level women make it their personal goal to seek out, mentor, and support women for promotion. However it is done, there should be an advocacy for the promotion of women within each agency.

Promoting the "First Woman"

Success is not just measured by the actual promotion of women. Serious issues may need to be addressed when a woman is to be promoted, especially if she will be the first woman to be promoted to that rank/position. First women face many additional challenges. They are usually placed under enormous scrutiny as to their ability to do the job. Sometimes the promotion is of interest to the media and the community, which can cause jealousy or resentment among peers. Within the agency there may be resentment that a woman was "given a man's job," and that may cause added pressure from personnel who want her to fail. Administrators should be aware of these pressures and provide support and mentoring to these women.

Assignments When Promoted

When promoting women, the agency should not automatically assign them to the positions that have historically been viewed as "women's jobs," such as records, communications, data processing, juveniles, etc. Gender should never be an issue in assignment. Such assignments are often justified because of the strengths of women in those job skills. However, it is important to develop new skills and strengths in all personnel. If possible, develop a probationary promotional training and assignment plan, which every person who is promoted to the new rank must complete. In this way, everyone is given the same training and assignments and therefore the same opportunity to succeed in their new position. If that is not possible, then extra care should be taken to ensure that assignments are gender neutral. This sends the message that the woman is just as competent and valued and that the administration supports the promotion of women.

Monitoring and Evaluating the Promotion Process

Semi-annual reports should be prepared that show assignments and promotions by race and gender. Top commanders should meet with the agency head to review these reports and develop plans to remedy any areas of imbalance.

Endnotes for Chapter 11

[1] National Center for Women & Policing, "Equality Denied: The Status of Women in Policing," (Los Angeles: National Center for Women & Policing, 1999), 1-20.

[2] International Association of Chiefs of Police, "The Future of Women in Policing: Mandates for Action," (International Association of Chiefs of Police, 1998).

[3] George P. Tielsch and Paul M. Whisenand, *The Assessment Center Approach in the Selection of Police Personnel* (Santa Cruz: Davis Publishing Co. Inc., 1977).

Checklist for Assignments and Promotion

- ❑ Women have equal opportunity for assignment to patrol, coveted assignments such as FTO, training instructor, gang units, and out of class assignments.
- ❑ Women are applying for promotion examinations at the same rate that men are applying for promotion examinations.
- ❑ If women are not applying for promotional opportunities, a survey is conducted to determine the reasons.
- ❑ Current promotional examinations have been reviewed for gender bias.
- ❑ Job descriptions for promotional positions have been reviewed and updated and reflect the knowledge, skills, and abilities of the positions.
- ❑ Job related, non-discriminatory testing procedures are in place.
- ❑ Interviewers and raters include community members and professionals from other agencies.
- ❑ Interviewers/raters have been screened for bias and adequately trained.
- ❑ Interview or rating panels are gender and racially diverse. (Women police, not just women community members, should be included on such panels.)
- ❑ Assessment centers are used to allow the observation of candidates in realistic job tasks.
- ❑ Promotability ratings and subjective performance evaluations are not used in promotional examinations.
- ❑ Seniority points are not used in the testing process.
- ❑ Minimum qualifications to take promotional examinations are as broad as possible.
- ❑ Advocacy for the promotion of women exists and is communicated within the agency.
- ❑ Post-promotional support is in place for the first women promoted into ranks and assignments.
- ❑ Promotional assignments are gender neutral.
- ❑ The promotion and assignment process is monitored and evaluated semi-annually.

Chapter 12

Preventing Sexual and Gender Harassment, Discrimination, and Retaliation

Statement of the Problem

Sexual harassment is prevalent in most law enforcement agencies. Over the years, various studies have been conducted to determine the extent to which women officers are subjected to sexual/gender harassment. The studies found that anywhere from 60-70% of women officers experienced sexual/gender harassment. A 1985 study conducted by the Police Foundation found that 67% of female officers were victims of sexual harassment and another survey of female officers in a medium-sized department showed that 68% reported having been sexually harassed by a member of their agency.[1] Interestingly, only about 4-6% ever reported the harassment. This lack of reporting is directly attributable to the code of silence in law enforcement agencies and the severe retaliation that occurs when women do report misconduct.

Captain George V. Robinson of the Ocala, Florida, Police Department conducted a more recent study of over 1,200 women in law enforcement in Florida and found that 61% said they had been sexually harassed in the workplace. In fact, 40% of them indicated that sexually oriented materials or sexually oriented jokes are a daily occurrence. Unfortunately, many of those responding said they believe it is their plight to endure otherwise unacceptable working conditions if they want to maintain a career in law enforcement.[2] A similar study conducted in a large municipal police department in a southeastern state revealed that 68% of the respondents reported being sexually harassed on the job.[3] Sexual and gender harassment are two of the top reasons women most often give for leaving their law enforcement careers. Not only does this illegal behavior result in low retention rates for women employees, but it is frequently the cause of severe, debilitating stress.

Law enforcement agencies are frequently sued for sexual harassment. For example, in 1991 a California city had to pay $3.1 million to two women officers who were sexually harassed by co-workers. In 1996, a woman police sergeant was awarded $1.2 million in a case against male officers who first harassed her and then caused her to be terminated.[4]

Problems with preventing and appropriately handling sexual harassment usually occur in the following areas:

Policy

Nearly all law enforcement agencies have a sexual harassment policy. This policy usually consists of language developed by the Equal Employment Opportunity Commission to describe prohibited workplace harassment. Even though these policies may be legally adequate, they are frequently not comprehensive enough to give guidance to employees on what is expected of their behavior in the workplace. In addition, most policies fail to recognize that harassment is frequently very subtle. For example, sexually explicit comments are stopped but demeaning comments about women are tolerated. In many agencies, discriminatory behavior persists despite an official policy against it, because the written policy is inadequate, unpublicized, and unenforced.

Training

A study of women in Florida law enforcement revealed that over 50% of them said their agencies provided no formal training on sexual harassment.[5] Many times, even when agencies do provide training about sexual harassment, it is conducted by someone with a legal background who emphasizes the prohibitions and penalties against engaging in sexual harassment. This type of training frequently results in officers becoming angry with their female co-workers instead of understanding the dynamics of sexual harassment and making a commitment to exhibit proper behavior in the workplace.

Reporting

When women do report sexual harassment, the systems in law enforcement agencies seldom work to quickly and appropriately resolve their complaints, often resulting in litigation. Many organizations assign the investigation of sexual harassment complaints to internal affairs personnel, without adequately or appropriately training those employees about how to conduct sexual harassment investigations.

Investigating

Internal affairs functions and procedures often preclude fair treatment of sexual harassment victims in a number of ways. First, internal affairs use of "misconduct" as the primary determination of personnel wrongdoing is inadequate and inappropriate in considering complaints of sexual harassment. Internal affairs investigators are rarely trained to understand the dynamics of sexual harassment, pertinent laws, or appropriate investigative techniques. The standards of proof for internal affairs complaints are much higher than those required by sexual harassment law, and they are often inappropriately applied to complaints of sexual harassment. Second, the preponderance of male investigators in most internal affairs divisions acts as a chilling factor for females wishing to file a sexual harassment complaint. Third, many internal affairs divisions have failed to document sexual harassment complaints altogether because they have been absorbed into officer "misconduct" investigations. Consequently, the agency has no record of sexual harassment complaints, investigations, findings, or their resolution. Fourth, there have been many serious breaches of confidentiality where internal affairs investigators have handled sexual harassment complaints. Overall, in many law enforcement agencies, there is a perception that it is neither safe nor effective to report sexual harassment through the internal affairs process, either because it will not be taken seriously, or worse, because investigators themselves will retaliate against the complainant.

Retaliation

Retaliation for filing sexual harassment complaints can be severe, leading to even more damages to the complainant. Most organizations do not have adequate retaliation prevention systems in place. Making a complaint about sexual harassment is often a "career killer" for women in policing.

Legal Issues

The legal definition of sexual harassment based on Title VII of the 1964 Civil Rights Act is as follows.

> *Unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature constitute sexual harassment when*
>
> *(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,*
>
> *(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or*
>
> *(3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.*[6]

Exposure to liability exists not only for the conduct of employees, but in the treatment of inmates, persons in custody or under supervision, and others having reason to interact with criminal justice personnel.[7]

Possible Solutions, Model Policies and Practices

The Commission on Accreditation for Law Enforcement Agencies advises: "Agencies need to have strong policies and directives that prohibit such conduct; immediate and thorough investigation of any allegation of unlawful harassment; effective and appropriate disciplinary action in any case where allegations of harassment can be substantiated; and efforts to make agency employees aware of their responsibilities and the legal issues involved."[8]

Developing a Comprehensive Sexual Harassment Policy

A comprehensive sexual harassment policy will contain at least the following information:

- A statement that the organization supports the right of every employee to be free of sexual harassment in the workplace. Harassment based on gender, race, sexual orientation, age, disability or other "difference" is unacceptable.
- A statement that offenders will be held accountable for acts of sexual harassment and disciplined appropriately.
- A statement that supervisors and managers are responsible for maintaining a harassment-free workplace and that they will be held accountable for stopping and appropriately reporting any harassment. This should include a statement that appropriate disciplinary action will be taken against supervisors and managers who fail to enforce the policy.
- A statement that acts of retaliation against members who complain about sexual harassment are separate violations of anti-discrimination law which shall be considered as additional acts of misconduct, and investigated and disciplined accordingly.
- An explanation of the laws prohibiting sexual harassment.

- A definition and examples of harassing behaviors that can be easily comprehended.
- Formal procedures to resolve complaints of harassment.
- A process to encourage early intervention and resolution of hostile work environment complaints, such as ombudsperson programs.
- An assurance that complaints will be kept confidential to the extent possible.
- A description of the level of discipline that may be imposed for violations of the policy.
- The process for reporting complaints, with an emphasis on multiple places for filing complaints such as:
  - any Department supervisor;
  - any command officer;
  - a designated women's coordinator;
  - the law enforcement agency's human relations division;
  - the commission that oversees the law enforcement agency
  - the human relations division of the political entity involved;
  - the state labor division responsible for enforcing discrimination laws;
  - the U.S. Equal Employment Opportunities Commission.
- Timelines for investigating and resolving complaints of sexual harassment.
- A statement that complainants shall be notified of their rights, statutes of limitation for filing civil complaints, and referrals to administrative agencies.
- The names and telephone numbers of persons to contact if the employee has questions about the policy.

Publicizing the Policy

Employers should prominently post and widely distribute the anti-harassment policy so that all employees, applicants, and other persons in direct contact with the agency (members of the public, contractors, vendors, etc.) are aware of the prohibition on harassment and the procedures for complaining about it. A zero-tolerance statement from the head of the organization should accompany the policy.

Each employee should be given a copy of the policy and should sign a statement that they have been given the policy and have read it and are familiar with its contents. This statement can be used later if officers accused of violating the policy claim to have not known that their behavior was illegal. In addition, the policy should be mailed to the homes of all employees on at least an annual basis. Another option is to have the employee read and sign for the policy every year during the performance evaluation process.

Designing an Effective Training Program

Training programs are only effective if learning actually takes place. The blame-based training programs that concentrate on legal issues and penalties are counterproductive to understanding the dynamics of sexual harassment. The best training programs educate people about the dynamics of sexual harassment, why it happens, what effect it has on the victim, and how to handle situations in the workplace. Good training also addresses perceptions, behavior, and attitudes about differences based on gender and sexual orientation. Training must also address the legal ramifications and liability issues of failing to take steps to prevent sexual harassment.

Sexual harassment takes place in a culture in which abuse of power based on difference is tolerated. In these environments, other forms of discrimination such as discrimination based on sexual orientation, race, ethnicity, and other forms of difference may also be tolerated. Effective challenges to attitudes that underlie such behaviors require an interactive training approach, which requires careful collaborative design.

Sexual harassment and gender-bias training addresses some of the most fundamental attitudes, perceptions, and misperceptions with which people operate in the workplace. Adequate time and resources must be allocated to training on these issues or the agency will waste its resources and fail to adequately address the problem.

A single, isolated training session on sexual harassment will not change attitudes and behavior. Agency personnel, particularly command and supervisory staff who are responsible for receiving complaints of sexual harassment should be exposed to training on this issue in a range of professional contexts. Interactive training exercises are particularly effective and require adequate time for continuing training.

All members of the department should receive sexual harassment training. This includes the command staff and civilian employees. Additional training should be provided to supervisors and managers on how to maintain a harassment-free workplace and on how to respond if harassment occurs. There should also be annual refresher training. Additional periodic training for supervisors and managers should be required. This training should give supervisors and managers an update on recent cases and re-emphasize their responsibility to maintain a harassment-free workplace.

Experts in gender discrimination training who are familiar with effective adult education training methods such as video, case studies, and role-playing should play central roles in designing and conducting the training. Having a teaching team consisting of experts from the community and law enforcement command staff is ideal.

The head of the agency should open all sexual harassment training classes, emphasizing his/her commitment to a harassment-free workplace. Agency leadership must make it clear to personnel that harassment is unprofessional and unacceptable behavior that will not be tolerated, and that the agency will enforce real sanctions against such behavior. If the agency head cannot personally appear at all classes, a videotape should be made and played at the beginning of every class. A high-ranking member of the organization should be present at every training class to enforce the department's commitment to a zero-tolerance policy on discrimination or harassment.

Sometimes it is desirable to provide remedial training to persons who have been found to violate the policy on sexual harassment. One method is to schedule a private training session with the offender and an attorney experienced in employment discrimination law. The purpose is to have the attorney explain the personal ramifications of further violations of the policy and to discuss what types of behavior are prohibited. This makes a serious impression on the offender and provides excellent documentation of the agency's efforts to correct the problem.

Elements of a Good Training Curriculum

An effective sexual harassment training program will include the following topics:

- What is sexual harassment – an overall discussion of how sexual harassment affects employees in the workplace with emphasis that it will not be tolerated in this workplace.

- What sexual harassment is not – a discussion about the misconceptions of sexual harassment. For example, sexual harassment is not about mutually desired relationships.

- Legal definition
  - Quid pro quo
  - Hostile environment
  - Reasonable woman standard
- What kinds of behavior constitute sexual harassment – specific examples.
- Sexual harassment law – discussion of cases that help to illustrate the issues.
- Federal and state laws.
- Policy of the organization about sexual harassment.
- Why sexual harassment occurs – a discussion of the issues of power and control.
- Recognizing sexual harassment in the workplace.
- Measures an employee can take to stop sexual harassment
  - Informal measures
  - Formal measures
- Supervisors' responsibilities – case law.
- Things a supervisor should not do.
  - For example, a supervisor should not participate in or tolerate any inappropriate behavior.
- Things a supervisor should do.
  - For example, a supervisor should immediately stop any harassing behavior.
- Preventing retaliation.
- Complaint and investigation process of the organization.
- Employee rights, how to file complaints, and statutes of limitations with EEOC and the state labor department.

Developing a Complaint and Investigation Process

Several important issues should be addressed in developing an adequate complaint and investigation process.

- **Where to file complaints**
  Victims must be given choices about where to file their complaints. This is especially true in a law enforcement agency because of the nature of the rank structure. A victim of sexual harassment should not be expected to report her complaints through the chain of command. Someone in the chain of command, especially her direct supervisor, may be the harasser. Therefore, the complaint process must provide several avenues available for the victim.

- **Hotline**
  Agencies should consider establishing a harassment hotline to receive complaints and answer questions regarding harassment.

- **Focus Groups**
  The law enforcement organization should hold periodic focus groups with employees potentially subject to harassment. Another method of gaining input is to conduct anonymous climate surveys of employees.

- **Employee Groups**
  The law enforcement administrator should encourage employee organizations such as labor unions, and women police and minority police associations to help identify problems in the system and to encourage employees to report incidents of harassment.

- **Ombudsperson Programs**
  Some organizations are implementing ombudsperson programs as a confidential, alternative means to encourage the resolution of workplace issues both informally and at an early stage. An ombudsperson may provide guidance that will permit both employees to address issues on their own or to utilize the ombudsperson as a mediator to address workplace conflicts. The ombudsperson should be required to submit periodic reports about workplace issues that have been brought to their attention and offer suggestions for improving the policies and procedures of the organization. Experience with such programs has shown that significant workplace issues that do not surface through formal reporting mechanisms do surface and are resolved through ombudsperson programs. The U.S. Department of Justice, the Federal Bureau of Investigation, and the Federal Bureau of Prisons have all implemented ombudsperson programs.

Discrimination Investigation Unit

The most effective mechanism for investigating and resolving complaints of discrimination and harassment in a law enforcement agency is a special discrimination investigation unit. Ideally, this unit should be located within the personnel division. Experts in personnel usually have a thorough understanding of discrimination/harassment issues and are equipped to do a better job of investigating these issues than investigators in internal affairs or other units. Allegations of discrimination and harassment are frequently emotionally charged and often have political implications. Personnel can act as the neutral fact-finders.

If your agency cannot create a separate discrimination investigation unit, there are various other configurations for assigning harassment investigations:

- Assign and thoroughly train investigators within the internal affairs unit. Investigators in internal affairs units are accustomed to investigating employee misconduct. However, they must be thoroughly trained in discrimination and harassment law, and they must understand the dynamics of sexual harassment and why women are reluctant to report this behavior. Discrimination and sexual harassment complaints should be clearly differentiated from other officer misconduct, appropriately classified, and tracked separately.
- Assign and thoroughly train investigators within the detective division. Detectives assigned to sex crimes or child abuse may make good investigators for sexual harassment issues. However, they must be thoroughly trained in sexual harassment law.
- Assign and thoroughly train a woman's coordinator in the chief's office. This person must be trained in discrimination and sexual harassment law. She also must be given the necessary resources to conduct the investigations, including a private office removed from the chief's office.
- Hire an outside, neutral investigator with expertise in discrimination investigations. If an outside investigator is used, a legal advisor should be consulted about restrictions placed by state and federal laws.

Regardless of what unit is responsible for sexual harassment investigations, the agency must develop uniform standards for investigating and documenting all harassment and discrimination complaints.

**Note: A word about the size of an agency and the method of investigating sexual harassment complaints: We recommend that large organizations establish a separate unit to investigate discrimination and harassment complaints.

Discrimination Units in Large Organizations Should be:

- Separate from the internal affairs division with the authority to investigate sworn and civilian personnel complaints of sexual harassment and all other forms of discrimination based on sex, race, national origin, age, sexual orientation, disability, or other protected status.
- Located off-site from any law enforcement facility to provide maximum confidentiality for complainants and accused members of the department.
- Headed by a commanding officer of the same rank as the commanding officer of the internal affairs division.
- Directly responsible to the chief administrator of the organization.
- Staffed with civilian experts in the areas of sexual harassment and employment law investigations.
- Provided with ongoing training by community experts on issues of employment discrimination based on gender, race, ethnicity, sexual orientation, disability, and age.
- Have legal advisors with expertise in employment discrimination law.
- Coordinate with related agency divisions and selected personnel, especially internal affairs, training, equal employment opportunity, behavioral sciences divisions, and the women's coordinator.

Investigation Guidelines

Guidelines should be established for investigating sexual harassment complaints. These guidelines should cover issues such as:

- Confidentiality – who is informed about the complaint? How much information is given to the supervisor of the victim/accused? The amount of information give to the complainant should be maximized as much as possible.
- Timelines for conducting the complaint–these are important. All sexual harassment complaints should be given priority and completed within a very short time period such as 30 days.
- Strong anti-retaliation measures to be implemented–these should be mandatory.
- Notification of the victim as to the results of the investigation
- Procedures for notifying complainants of their rights, relevant statutes of limitations for taking legal action, and resources available to them in the department, and in the community.
- Uniform standards for documenting all discrimination/harassment investigations.
- Procedures to ensure that all investigations are conducted in a manner that is fair and impartial.

Screening Discrimination Investigators

Persons to be assigned as discrimination investigators should be carefully selected. They should be screened for potential bias against women as law enforcement officers. A panel of experts in an oral interview procedure may do this screening or a qualified psychologist may do it. Any person who has participated in any discriminatory or harassing behavior should not be selected as an investigator. Investigative staff should be gender and racially diverse.

Agencies may use external investigators who are highly experienced in conducting discrimination investigations. If external investigators are used, the legal staff should review the provisions in the Federal Trade Commission Fair Credit Reporting Act. See www.ftc.gov.

Training Discrimination Investigators

Once the investigators have been selected, qualified experts should provide training about discrimination law and equal employment opportunity. In addition, special training should be provided about how to interview victims of sexual harassment, including sexual assault. Investigators should be given training on how to overcome the code of silence in law enforcement investigations.

The code of silence is the unwritten understanding among law enforcement officers that it is not permissible to reveal unfavorable information about another officer in any internal investigation, especially in discrimination cases and use of unnecessary force cases. The code is enforced by many tactics from shunning to failing to provide cover on emergency calls. In order to overcome the code of silence, the agency must have meaningful policies requiring officers to report misconduct and imposing discipline if they fail to report or accurately provide information during an investigation.

Disciplining Offenders

When an investigation has determined that sexual harassment or discrimination has occurred, appropriate actions should be taken in a timely manner. For first-time offenders on minor issues, re-training is probably appropriate. For repeat offenders or serious misconduct, more severe discipline is called for, including termination. Persons found to have violated policies on discrimination and harassment should not be rewarded with highly desirable job assignments, promotions, officer of the year awards, and other similar benefits. The head of the law enforcement agency must be consistent when enforcing a zero-tolerance policy.

Preventing Retaliation

The reason women most often give for not reporting sexual harassment and discrimination is their fear of retaliation from co-workers and the administration. Juries frequently side with the plaintiff in discrimination cases if she can show that there was retaliation for reporting and that the administration did nothing to prevent or stop it.

There are many things that administrators can do to prevent retaliation. Employers should clearly state in the sexual harassment/discrimination policy that any act of retaliation will be treated as a separate offense. The most common types of retaliation experienced by women in law enforcement agencies are:

- Shunning/ostracizing – no one will talk to her, or she is prevented from receiving information important to the performance of her job or important to her personal safety.
- Stalking/harassing incidents – obscene telephone calls, telephone calls where the caller says nothing, hang-up calls at all hours of the day and night, threatening or harassing letters or notes, damage to her automobile, articles left on her desk or in her work area that are intended to intimidate or harass.
- Becoming the subject of rumors of sexual activity or other demeaning information.
- Being held to a higher standard of performance – her evaluation reports become more critical and she is held to a different standard than others.
- Harassing internal affairs complaints are filed against her by members of the organization or by citizens who have been enlisted to help the harasser.
- Denial of training opportunities.
- Denial of transfer to specialty jobs.
- Denial of promotion.
- Failure to provide back-up in emergency situations. This is the ultimate form of retaliation. When it becomes apparent that she will not receive backup in a timely manner, the woman often leaves the organization because she is in fear for her life.

When a woman makes a report of discrimination, at the very least the following interim measures should be taken:

- Determine if the complainant feels safe remaining in the current assignment. This is crucial in policing because retaliation may take the form of failure to provide assistance in emergency situations.

- If the complainant does not feel safe in the current assignment, the organization should take steps to ensure her safety. Some options are:
  - Remove the alleged harasser from the workplace. In cases of allegations of serious harassment, some organizations may transfer the accused or place the accused person on administrative leave pending the outcome of the investigation. This action should be carefully considered. Labor contracts and personnel policies should be taken into consideration. Additionally, by removing the alleged harasser, employees may assume that a determination of culpability has already been made. This could seriously damage the reputation of an innocent person.
  - Remove the complainant from the workplace. Sometimes the complainant will ask to be transferred or put on leave pending the results of the investigation. If this occurs, it is advisable to grant that request if possible. Agencies should not just automatically remove the complainant from her workplace. Being with her peers for support may be very important to her. Having her life disrupted by being transferred may increase the damage to her and her career.
  - Remove both persons from the workplace. Some organizations have a policy to transfer both of the involved parties pending the results of the investigation. This approach raises all of the issues in the above two options.

- The immediate supervisor of the complainant and the accused person should be immediately informed of the allegations and be held responsible for ensuring that no retaliation occurs in the workplace. The complainant should be contacted on a regular basis to make sure that no retaliation is occurring.

- The accused should be informed of the charges and directed that he is not to take any type of retaliatory action against the complainant. He should also be ordered not to discuss the issue with anyone in the organization other than investigative personnel assigned to the case.

- The complainant should be directed not to discuss the issues with anyone in the organization other than the investigative personnel assigned to the case.

- The investigation process should be thoroughly explained to the complainant and the accused. The complainant should be advised of her rights to file a complaint with the state and federal civil rights agencies. She should also be informed of the statute of limitations for filing her complaint.

The investigation should be conducted as quickly as possible, ensuring a thorough examination of the issues.

The complainant and the accused should be informed of the outcome of the investigation. The agency should thoroughly review the requirements of the state and federal privacy acts to determine what information can be disclosed.

Any appropriate discipline or remedial training should be swiftly imposed and completed.

There should be a routine follow-up interview of the complainant within 30-60 days to determine if she has experienced any retaliation as a result of filing the complaint.

Monitoring of Harassment Prevention Programs

Once all of the above components are in place, the agency should set up a system to monitor and evaluate the program. Some possible steps to take are:

- Create a standing committee of high-level managers responsible for monitoring to ensure that harassment is effectively prevented throughout the organization. This committee should also be responsible for recommending — directly to the agency head — anti-harassment policies, training initiatives, and other steps needed to ensure effective prevention. The committee should have a large representation of women and minority members.
- The investigative unit should be directed to collect, compile, and evaluate data about all incidents of harassment, including names of harassers, location and behaviors, time to investigate, results of the investigation, discipline or remedy imposed, and time to effectively remedy the harassment.
- The organization may consider using anonymous surveys, focus groups, exit interviews, and other similar means to assess the effectiveness of the programs.
- Supervisors and managers should be continuously monitoring the workplace to ensure that a hostile work environment does not exist. Any posting of pornography, sexually explicit materials, cartoons, jokes, or other items that demean or ridicule persons in protected classes should be immediately removed and investigated.
- Organizations may want to hire outside experts to conduct formal written assessments of the organization and make recommendations for eradicating harassment.

Holding Managers and Supervisors Accountable

The single most important step that a law enforcement executive can take to prevent or stop harassment in the workplace is to hold managers and supervisors strictly accountable for activities occurring in their work units. First-line supervisors are especially important to the success of any anti-discrimination effort. Administrators may want to consider taking the following actions:

- Immediate, meaningful and appropriate discipline should be imposed on any supervisor or manager who fails to take reasonable care to identify and stop harassment.
- Publicly announced rewards for managers and supervisors who take proactive measures to prevent harassment.
- Procedures that require managers and supervisors to forward to the standing committee information about each allegation of harassing behavior, and steps they took to handle it.
- Any violation of the harassment policy should be documented in the performance evaluation of the harasser and the supervisor and used as a basis to deny promotion or pay raises if possible.
- Command staff should be held responsible for inspecting the workplace on a regular basis to make certain that it is not hostile.

Exit Interviews

Because of the tremendous peer pressure placed on women not to report sexual harassment, some women resign rather than go through the stress of an investigation and the resulting retaliation. One way to determine if this is occurring in your organization is to conduct exit interviews with all sworn and civilian employees. These interviews should be conducted at the time the person turns in their resignation and followed with a mail survey at least 6-9 months after the person has left. Sometimes employees will be reluctant to talk about their real reasons for leaving because they need a positive employment reference from their current employer.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

Refer to **Appendix I** for a copy of the Sexual Harassment/Discrimination policy from the **Portland, Oregon, Police Bureau**.

A website resource that may be helpful to police agencies reviewing sexual harassment policies:

AELE Law Enforcement Legal Center
http://www.aele.org/index.html

The National Center for Women & Policing offers classes on sexual harassment prevention for law enforcement agencies. Contact NCWP at 323-651-2532 for more information.

Resource:
The Los Angeles County Sheriff's Department is in the process of implementing an Office of Independent Review, staffed by civil rights experts who will be responsible for supervising the investigation of allegations of discrimination and for overseeing other types of internal investigations, such as complaints about the use of excessive force.
Contact Information: Sheriff Lee Baca, 323-526-5005.

Endnotes for Chapter 12

[1] Joseph Polisar and Donna Milgram, "Recruiting, Integrating and Retaining Women Police Officers: Strategies that Work," *The Police Chief*, October 1998, 42-53.
[2] George V. Robinson, "Sexual Harassment in Florida Law Enforcement: Panacea or Pandora's Box," (Ocala Police Department).
[3] David Nichols, "The Brotherhood: Sexual Harassment in Police Agencies," WomenPolice, Summer, 1995.
[4] Donna Milgram, "Preventing Sexual Harassment : Integration of Women into Male-Dominated Occupations," (National Institute for Women In Trades, Technology & Science, 1999), 31.
[5] George V. Robinson, "Sexual Harassment in Florida Law Enforcement: Panacea or Pandora's Box," (Ocala Police Department).
[6] *Sexual Harassment Guidelines* [www.eeoc.gov] (Equal Employment Opportunity Commission).
[7] Rubin, Paula N, "Civil Rights and Criminal Justice: Primer on Sexual Harassment", October, 1995, NCJRS.
[8] Committee on Accreditation for Law Enforcement Agencies, *"The Standards Manual of the Law Enforcement Agency Accreditation Program"*, 4th ed. (1999) 26.1.

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Checklist for Preventing Sexual and Gender Harassment, Discrimination, and Retaliation

- ❑ The agency has a written sexual harassment policy. The policy includes:
  - ❍ A statement that the organization supports the right of every employee to be free of sexual harassment in the workplace. Harassment based on gender, race, sexual orientation, age, disability, or other difference is unacceptable.
  - ❍ A statement that offenders will be held accountable for acts of sexual harassment and disciplined appropriately.
  - ❍ A statement that supervisors and managers are responsible for maintaining a harassment-free workplace and that they will be held accountable for stopping and appropriately reporting any harassment.
  - ❍ A statement that acts of retaliation against members who complain about sexual harassment are separate violations of anti-discrimination law which shall be considered as additional acts of misconduct, and investigated and disciplined accordingly.
  - ❍ An explanation of the laws prohibiting sexual harassment.
  - ❍ A definition and examples of harassing behaviors that can be easily comprehended.
  - ❍ Formal and informal procedures to resolve complaints of harassment.
  - ❍ An assurance that complaints will be kept confidential to the extent possible.
  - ❍ A description of the level of discipline that may be imposed for violations of the policy.
  - ❍ The process for reporting complaints, with an emphasis on multiple places for filing.
  - ❍ Timelines for investigating and resolving complaints of sexual harassment.
  - ❍ A statement that complainants shall be notified of their rights, statutes of limitation for filing civil complaints, and referrals to administrative agencies.
  - ❍ The names and telephone numbers of persons to contact if the employee has questions about the policy.
- ❑ The policy, accompanied by a zero-tolerance statement, is prominently posted in all agency facilities.
- ❑ Every employee has been given a copy of the policy.
- ❑ The policy is mailed to the home of every employee annually.
- ❑ Sexual harassment training has been provided to all employees. The training includes:
  - ❍ An overall discussion of how sexual harassment affects employees in the workplace with emphasis that it will not be tolerated.
  - ❍ A discussion about the misconceptions of sexual harassment. For example, sexual harassment is not about mutually desired relationships.
  - ❍ Legal definition of sexual harassment.
  - ❍ Explanation of the reasonable woman standard.
  - ❍ Specific examples of the types of behaviors that may be offensive.
  - ❍ Discussion of cases and scenarios that help to illustrate the issues.

- Pertinent state and federal laws.
- Policy of the organization about sexual harassment.
- Why sexual harassment occurs – a discussion of the issues of power and control.
- Recognizing sexual harassment in the workplace
- Formal and informal measures an employee can take to stop sexual harassment.
- Supervisors' responsibilities.
- Preventing retaliation.
- Complaint and investigation processes of the organization.
- Employee rights, how to file complaints, and statutes of limitations with the EEOC and state labor department.

- Training is designed and conducted by experts in gender discrimination and adult education.
- The agency head emphasizes a zero-tolerance policy at all training sessions.
- There are multiple places where victims can file complaints, both internally and externally.
- There is a harassment hotline for employees.
- Focus groups are held about sexual harassment to assess the working environment.
- Labor unions as well as women police and minority police organizations are involved in the efforts to eliminate sexual harassment.
- Ombudsperson programs are provided as an option to formal complaints.
- A discrimination investigation system is in place. It is:
  - Separate from the internal affairs division;
  - Located off-site from the law enforcement facility;
  - Headed by a commanding officer of equivalent rank to the head of internal affairs;
  - Directly responsible to the chief administrator of the agency;
  - Staffed with civilian experts in gender discrimination;
  - Provided with on going training; and
  - Provided with legal advice.
- Guidelines for sexual harassment investigations have been established that cover the following issues:
  - Confidentiality;
  - Timelines for conducting complaints;
  - Anti-retaliation measures;
  - Notification to the victim and accused of the outcome of the investigation;
  - Notification to victims about their rights to file complaints and the statute of limitations;
  - Uniform standards for documenting the investigation; and
  - Oversight to ensure impartial investigations.
- Persons selected as investigators have been screened for gender bias.
- Investigative staff is gender and racially diverse.

- ❑ Investigators have been trained by discrimination law experts.
- ❑ Retaliation prevention programs are established. They include:
  - ❍ Determining if the complainant feels safe in the workplace;
  - ❍ Removing the harasser if necessary;
  - ❍ Moving the complainant if requested; and
  - ❍ Informing the immediate supervisors of the complaint and holding them responsible for preventing retaliation.
- ❑ Accused is informed of the charges and warned not to take retaliatory action against the complainant.
- ❑ Complainant is contacted on a regular basis.
- ❑ Complainant and accused are directed not to discuss the case with other employees.
- ❑ Investigation process is thoroughly explained to complainant and accused.
- ❑ Complainant is advised of her right to file charges with the state and federal agencies, and the statute of limitations for doing so.
- ❑ Investigations are completed within 30 days.
- ❑ Complainant and accused are informed of the results of the investigation.
- ❑ Appropriate discipline and training is swiftly imposed.
- ❑ Behavior is documented in performance evaluations of the harasser and the supervisor if appropriate.
- ❑ Complainant is contacted at 30 and 60 days after closure to be certain that no retaliation is occurring.
- ❑ A committee is established to monitor sexual harassment prevention efforts.
- ❑ The committee includes command level staff and women and minorities.
- ❑ Quarterly reports are prepared by the investigative unit to report cases and outcomes by race and gender, type of behavior, location, etc.
- ❑ Anonymous surveys are conducted with all employees to assess the working climate.
- ❑ Focus groups are utilized for feedback on the effectiveness of prevention programs.
- ❑ Outside experts are utilized to assess the effectiveness of the prevention programs.
- ❑ First-line supervisors and managers are held strictly accountable for sexual harassment occurring in their work units.
- ❑ Immediate and appropriate discipline is imposed on supervisors and managers who fail to take reasonable care to prevent sexual harassment.
- ❑ Supervisors and managers are publicly rewarded for taking proactive measures to prevent harassment and retaliation.
- ❑ Supervisors and managers are required to document and report any harassing behavior and the actions they took.
- ❑ Exit interviews are conducted with employees who resign.
- ❑ Command level women conduct the exit interviews.
- ❑ Follow-up exit interviews are conducted after 6 months.

Chapter 13

Ensuring Impartial Internal Investigation and Discipline Systems

Statement of the Problem

Most law enforcement agencies have a system for receiving and investigating complaints of officer misconduct. Larger agencies have separate units with a staff of investigators and smaller agencies assign investigations to supervisors. An effective and fair internal investigation system is crucial to maintaining the credibility and responsiveness of law enforcement. Unfortunately, the very systems that are established to investigate officer misconduct have the potential to be misused as a tool to harass or retaliate against employees. Being the subject of an internal investigation can have a very serious effect on an officer's career, affecting transfers, promotions, and other benefits. The process of the investigation often causes stress to all involved parties, especially if the investigation is drawn out over a long period of time. The outcome may result in discipline and, even if there is no actual discipline, the fact of the investigation may remain on the officer's record for a period of time, possibly affecting transfers, promotions, and the officer's reputation.

Women officers have reported that when they file complaints of discrimination or harassment, they subsequently become targets of internal investigations based on complaints that are often anonymous and false. In addition, minor errors in performance that would normally be ignored or handled by an immediate supervisor are written up as complaints and sent forward for investigation. In a survey of minority and women officers on the Los Angeles Police Department, 42% reported that positive incidents of their performance were not reported while negative incidents of their performance were reported more often than that of white males.[1] Officers who report excessive force used by other officers or who present information against other officers during internal investigations or disciplinary proceedings may also be subjected to anonymous false complaints, closely scrutinized, or held to a higher standard of performance. A national survey revealed that the code of silence that keeps officers from reporting abuses continues with two-thirds of the officers reporting that those who "blow the whistle" on bad conduct receive a cold shoulder from their peers.[2]

The discipline process may be used in a discriminatory manner. In lawsuits and surveys, female and minority officers have reported that they are disciplined more harshly than white male officers. A study of gender bias in evaluating recruits showed that "for precisely

the same actions, police departments were significantly more likely to terminate female trainees than male trainees."[3] As a consequence of discriminatory or retaliatory practices that create a hostile work environment, women may choose to leave the law enforcement career field.

When increasing diversity in law enforcement agencies, administrators must take care to build in safeguards to ensure an equitable discipline system that cannot be used as a tool of harassment. Identifying the areas where women are treated differently is the first step in correcting and improving the work environment.

Legal Issues

Legal counsel must carefully review any changes to the internal investigation or discipline process. Labor contracts, civil service rules, and federal, state and local laws, often regulate the discipline process. In addition, Congress is considering changes to provisions in the Fair Credit Reporting Act that will affect employee investigations and the use of outside investigators if credit information is used. Legal staff should review the provisions in the Federal Trade Commission Fair Credit Reporting Act. See www.ftc.gov. Refer to **Appendix J** for a letter from the **Federal Trade Commission** describing some of the issues Congress is facing with this Act.

Possible Solutions, Model Policies and Practices

Complaint Investigation Policy

Law enforcement agencies should have written guidelines that clearly spell out the process for reporting and investigating allegations of misconduct. Investigations must be conducted in a fair and impartial manner. Safeguards must be built into the investigation process to prevent retaliation against persons who report misconduct. The policy should include these provisions:

- Anonymous complaints from citizens should be accepted verbally by the person receiving the complaint and then put into writing with as much verbatim material as possible.
- Statement of the circumstances under which anonymous complaints will be accepted, especially anonymous complaints originating within the agency.
- Description of the types of complaints that should be forwarded to the internal investigations unit and those that may be handled by immediate supervisors. The agency must decide whether or not they want supervisors to handle "minor" complaints. The supervisors may be too involved with the issue to be objective. Even being aware that complaints have been filed may cause supervisors to scrutinize the person unfairly.
- All discrimination and harassment complaints should be handled by one investigative unit separate from, but working in close cooperation with, the internal affairs unit. In small agencies, one individual should be designated and specially trained to handle these complaints.
- System for classifying complaints according to allegation. This will assist in monitoring the system.
- Timelines for completing investigations.
- Process for conducting investigations.
- Rights of the accused employee.
- Confidentiality – who is informed about the complaint and how much information is given.

- Requirement that employees cooperate in the investigative process and that withholding information will not be tolerated.
- Safeguards to ensure that the system is not used as a means of retaliation:
  - Under what circumstances the parties to the investigation will be temporarily re-assigned;
  - Responsibilities of supervisors and command staff to monitor and prevent retaliation;
  - Policy on obtaining restraining orders if necessary; and
  - Warnings to all parties not to discuss the case.
- Procedures to ensure that all investigations are conducted in a manner that is fair and impartial:
  - Assignment of cases to investigators who are not personal friends of any party; and
  - Periodic review of cases by supervisors to ensure that investigation is being properly conducted and in a timely manner.
- Notification to the complainant and accused about the outcome of the investigation. (Be sure to obtain legal advice about how much information can be released.)
- Uniform standards for documenting investigations.
- Classification of the findings of the investigation. Most agencies use a classification system of "sustained" (the incident did occur and was against department policy), "not sustained" (there is not enough information to determine whether or not the incident occurred), "unfounded" (the incident did not occur), or "exonerated" (it occurred but was within policy).
- Requirement for producing monthly and annual reports on investigations conducted.

Selection of Investigators

Persons to be assigned as internal investigators should be carefully selected. They should be screened for potential bias against women as law enforcement officers. Any person who has participated in any discriminatory or harassing behavior should not be selected as an investigator. Investigative staff should be gender and racially diverse.

Sometimes it is desirable to use external investigators who are highly experienced in conducting employee investigations. Once investigators are selected, the agency should have them sign a confidentiality agreement stating that they will not discuss investigations with any persons other than the parties to the complaints, witnesses, and the investigator's immediate supervisor.

Training Investigators

Once investigators have been selected, qualified experts should provide training about labor law, discrimination law, equal employment opportunity, investigative techniques, and interviewing skills. Investigators should be given training on how to overcome the code of silence in law enforcement investigations.

Anonymous Complaints

The issue of anonymous complaints is a very difficult one for administrators. Employees and members of the public must be encouraged to report misconduct—especially serious misconduct such as excessive force and corruption. However, anonymous complaints hinder the investigation process by making the complainant unavailable for questioning. Whenever an employee has made a complaint of discrimination or harassment or has reported serious misconduct of another employee, the agency must be alert to the possibility of false internal affairs complaints being filed in retaliation against the reporting

employee. Usually, these harassing complaints are made anonymously and contain allegations of misconduct that will be difficult to prove. The intent of filing the complaint is to harass and place the employee under stress and extreme scrutiny.

In one case in a west coast city, several women officers testified at a city council subcommittee hearing about discrimination and harassment in the police department. Shortly after the testimony occurred, an anonymous complaint was filed against all of the women accusing them of sexual activities with unnamed officers. Instead of recognizing this as a tool of harassment, the law enforcement agency opened an internal investigation into the allegations. The investigation dragged on for years, with no resolution, but the damage to the reputation of the women was irreparable. No attempt was made to identify the senders of the anonymous complaint.[4] It is clear that the use of anonymous complaints can be a serious form of retaliation.

The policy on anonymous complaints should state that an investigation will be continued only when there is a reasonable basis to believe that serious misconduct has occurred. Anonymous complaints should be expeditiously investigated and brought to a conclusion within a 7-day period.

Preventing Retaliation

Employers must clearly state that any use of the internal investigation and discipline system for harassment or retaliation will be treated as a serious offense. While employees must be encouraged or even required to report serious misconduct on the part of another employee, they must also clearly understand that any misuse of the system will be grounds for discipline. Complaints filed against employees who report the serious misconduct of another employee should always be viewed as a possible retaliatory action, and the motive of the complainant should be examined.

Discriminatory Referrals

As mentioned earlier, one technique of discriminating against women and minorities is to send reports of their minor infractions to the internal investigation unit while not sending reports of similar conduct by white males. For example, a woman officer who misses a court appearance is written up and the report sent to internal affairs. However, men who miss court appearances are counseled and nothing is put in writing. This difference in reporting will build a file of complaints against the woman and potentially prevent her from receiving specialty assignments or promotions. This is considered disparate treatment and could become the basis for a discrimination lawsuit.

Once clear guidelines are established for the types of complaints that should be sent to internal affairs, supervisors who violate that policy can be counseled or disciplined as appropriate. Whenever receiving a complaint from a supervisor about misconduct by a subordinate who is a member of a protected class, the investigator should inquire if other subordinates have committed similar misconduct. For example, when investigating a complaint that a woman missed a court appearance, the investigator should ask if any men in the unit have missed a court appearance within the past year and if they were written up for the misconduct.

One command level person, or a committee of command level employees should routinely review the completed report on all complaints originating within the organization. The purpose is to determine if employees are being treated equally both in having misconduct reported and in the discipline imposed.

Documenting Investigations

The law enforcement agency should develop a standard format for internal affairs investigation reports. All investigations must be documented in writing. If tape recordings are utilized in the investigation process, the agency must develop guidelines for their retention or destruction. Command staff should review internal investigation reports to ensure that they are complete and that the investigation was properly conducted.

Investigators should not make the final determination of the violation to be charged. They may recommend the violations to be charged, but a command-level officer should make the final determination. Investigators should never make recommendations about discipline. The investigative report should be a recital of the facts.

Breaking the Code of Silence

The code of silence is the unwritten understanding among some law enforcement officers that it is not permissible to reveal unfavorable information about another officer in internal investigations, especially in cases of discrimination and use of excessive force. The code is enforced using many tactics, from shunning to failing to provide cover on emergency calls. The code of silence is a major obstacle to conducting complete investigations. Officers do not want to give information that may cause harm to another officer. This results in the inability of the investigator to obtain adequate information. Signs that the code of silence is in operation are:

- Officers "can't remember" details of events when the details would show misconduct or violation of department policy.
- Officers "didn't see" a particular act that they were in a position to see.
- Officers "didn't hear" a particular statement made in their presence.

To overcome the code of silence, the agency must have meaningful policies requiring officers to report misconduct and provide information to internal affairs investigators, as well as imposing discipline if they fail to report or accurately provide information during an investigation. Some agencies use polygraphs when there is a question about an officer's truthfulness with statements that they "didn't see," "didn't hear," or "can't remember." Not only does this often resolve the immediate issue, but it also sends a strong message to the entire department about the administration's willingness to use every tool available to determine the truth about serious misconduct.

The policy about cooperating with investigations must be enforced and disciplinary action taken as needed. Officers who report misconduct must be protected from retaliation and rewarded for living up to the agency's standards. Officers who "can't remember," "didn't see" or "didn't hear" things they were in a position to observe are probably not good candidates for investigative or specialty positions. Even if they are being completely honest, these positions require candidates whose perceptual abilities and long-term memory are superior. In fact, if the facts of a case demonstrate a complete failure to satisfactorily perform duties, it should raise the questions of whether the employee should be sent for professional evaluation, removed from specialty investigative positions, demoted, or separated from the agency on fitness grounds.

Officers who do not cooperate in investigations should not be given consideration for promotions. Breaking the code of silence is not easy, but is an issue that all law enforcement administrators must face.

Refer to **Appendix K** for the policy on professional responsibility from the **Sacramento Sheriff's Department**, which is a good example of the requirement for officers to report misconduct and cooperate in investigations.

Investigation Timelines

The investigation should be conducted as quickly as possible, ensuring a thorough examination of the issues. Some agencies establish due dates for investigations at the time they are assigned. Investigations should be conducted promptly and not be allowed to drag on for months. In a whistleblower or discrimination case, the fact that the investigation took a long time to complete may be used in court as evidence of retaliation on the part of the agency. One method to help keep investigations moving is for the agency head or designee to have a regular briefing on significant cases. This review will help ensure that all relevant issues are being investigated, address any problems encountered, and help adjust the scope of the investigation.

Notification of Investigation Results

The complainant and the accused should be informed of the outcome of the investigation as soon as possible. The agency should thoroughly review the requirements of state and federal privacy acts to determine what information can be disclosed. The complainant should be given as much information as possible.

Remedial Action

Any appropriate discipline or remedial training should be swiftly imposed and completed. If a hearing process is utilized for determining the level of discipline, the board should be diverse. The agency should include on the board a human resource person who has expertise in discrimination law. This is also an opportunity for the agency to include community representatives on discipline boards.

Follow-up

There should be a routine follow-up interview of any employee who has filed a complaint within 30-60 days to determine if any retaliation was experienced as a result of filing the complaint.

Data Collection and Reporting

The investigative unit should be directed to collect, compile, and report data about all complaints, including name of complainant, name of accused, supervisors' names, location and behaviors, time to investigate, results of the investigation, and discipline or remedy imposed. Once this data has been gathered, it should be examined to determine potential bias trends, equitability of outcomes, investigator performance, and other important issues. The following are some possible reports that could be produced from this data:

- Compilation of types of complaints received by category (such as excessive force, sexual harassment, and others) to identify potential training needs or policy revision.
- Analysis of officers named in the complaints to identify problems and provide appropriate training or other intervention.
- Analysis of complaints by unit. This could identify geographic areas or specialty units that are receiving high numbers of complaints.
- Complaints by supervisor name. This could identify a supervisor who is tolerating a high level of misconduct.
- Average length of time to investigate complaints.
- Equitability of discipline by type of complaint. This should also be examined by gender to ensure that women are not receiving more harsh discipline for the same types of offenses.

There are many ways that this data can be analyzed to provide information to management on areas for improved training, policy revision, or intensified supervision.

Exit Interviews

Because of the tremendous peer pressure placed on officers who cooperate with internal investigations, some employees quit rather than go through the stress of the resulting retaliation. One way to determine if this is occurring is to conduct exit interviews with all sworn and civilian employees who leave the organization. These interviews should be conducted at the time the person turns in their resignation and followed with a mail survey at least 6-9 months after the person has left. Sometimes employees will be reluctant to talk about their real reasons for leaving because they need a positive employment reference from their current employer.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

Fairfax County Police Department, VA, has developed a Procedural Manual for the Conduct of Administrative Investigations that is provided to all internal affairs investigators and all supervisors. This guide discusses investigative strategy, witness interviews, statements, evidence, and other related topics.
Contact Information: Commander, Internal Affairs Bureau, Fairfax County Police Department, 703-246-2918.

- Refer to **Appendix K** for the policy on professional responsibility from the **Sacramento Sheriff's Department**, which is a good example of the requirement for officers to report misconduct and cooperate in investigations.
- Refer to **Appendix L** for the policy on internal investigations from the **Gainesville Police Department**, which covers many of the issues recommended in this section.

Endnotes for Chapter 13

[1] Martin Reiser, EdD., "Results of Survey of Perceptions of Minority and Female Officers," (Los Angeles: Los Angeles Police Department, Behavior Science Services Section, 1987), 34.
[2] National Institute of Justice, "Police Attitudes Toward Abuse of Authority: Findings from a National Study," www.ncjrs.org/ledocs.htm#181312.
[3] Elizabeth L. Shoenfelt and Max R. Mendel, "Gender Bias in the Evaluation of Male and Female Police Officer Performance" (paper presented at the Annual Convention of the Southeastern Psychological Association, New Orleans, Louisiana, March 21 1991), 8.
[4] The source of this information is based on events witnessed by the staff of the National Center for Women & Policing. Details have been omitted to protect the identity of the women officers who testified about discrimination.

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Checklist for Ensuring Impartial Internal Investigation and Discipline Systems

- ❑ A complaint investigation policy has been written and includes:
  - ❍ A requirement that all complaints originating within the agency must be in writing.
  - ❍ A description of the type of complaints that must be forwarded to internal investigations and those that may be handled by the supervisor.
  - ❍ Policy on accepting and investigating anonymous complaints.
  - ❍ System for classifying complaints by type.
  - ❍ Timelines for completing investigations.
  - ❍ Impartial process for conducting investigations.
  - ❍ Rights of the accused employee.
  - ❍ Confidentiality provisions.
  - ❍ Requirement to cooperate with the investigation.
  - ❍ Safeguards against retaliation.
  - ❍ Notification to complainant and accused about the outcome of the investigation.
  - ❍ Uniform standards for documenting investigations.
  - ❍ System for classifying the outcomes of the investigations.
  - ❍ Requirement to produce monthly and annual statistical reports.
- ❑ Investigators are screened for bias.
- ❑ Investigators are trained in labor law, discrimination law, investigative techniques, and interviewing skills.
- ❑ Anonymous complaints filed against employees who have reported or testified about misconduct of other employees are closely examined to prevent retaliation.
- ❑ Complaints from supervisors against members of protected classes alleging minor misconduct are closely reviewed for possible discrimination.
- ❑ Supervisors who use the internal investigation system as a method to discriminate against women and minorities are disciplined.
- ❑ Review of the disposition of all complaints is conducted by command level personnel to insure uniformity.
- ❑ Timelines for conducting investigations are established and followed.
- ❑ A standard format has been developed for documenting investigations.
- ❑ Investigators do not make recommendations on the final determination of the case or on the level of discipline.
- ❑ The policy requiring employees to cooperate in internal investigations is strictly enforced.

- ❑ Officers who uphold the code of silence are disciplined and are not awarded specialty positions or promoted.
- ❑ Retaliation prevention measures have been developed and implemented.
- ❑ Results of investigations are communicated to the complainant and the accused.
- ❑ Remedial action is swiftly taken.
- ❑ Routine checks are made of employees who have reported misconduct on the part of other employees to make certain that no retaliation has occurred.
- ❑ Monthly and annual statistical reports of investigations and discipline are prepared.
- ❑ Exit interviews are conducted with all employees at the time of separation and at some later date.

Chapter 14

Developing Effective Awards and Recognition Programs

Statement of the Problem

Many law enforcement agencies use award programs to motivate their employees. In addition, some agencies use promotions and special assignments as rewards for excellent performance. Managers under stand that by rewarding a certain type of behavior, they are setting a standard for other employees. Traditionally, recognition is given only for heroism or for solving a major criminal case. Some agencies give awards for successful, innovative programs. Very few agencies give awards or recognition to employees whose work reflects the principles of community policing. And fewer yet give recognition for maintaining a workplace free of harassment and discrimination, for mentoring women and minorities, or for increasing the diversity of the workforce.

In addition, women officers report that they are often not considered for awards for performing the type of acts that would be recognized and rewarded if done by a male officer. For example, a woman apprehends a robber leaving a bank. She receives no rewards or accolades and yet a male officer making the same type of arrest is highly praised for his work.

If law enforcement agencies continue to put the emphasis on heroism and criminal case closure, and yet fail to recognize efforts to improve the workplace and service to the public, employees will remain in the traditional law enforcement mode.

Legal Issues

When promotions or special assignments are involved, there may be statutory or labor union rules that apply.

Possible Solutions, Model Policies and Practices

Law enforcement agencies can use the issue of awards and recognition as an opportunity to gain employee and community input. A diverse committee should be established to:

- Develop criteria for formal awards. The types of behavior that are desired should be identified and described. For example, in addition to awards for heroism and major cases, some awards that may be established are:
  - mentoring

- increasing diversity
- supporting a diverse workplace
- community/police partnerships
- innovations in law enforcement

- Publish the criteria and ask employees and citizen groups to nominate possible award recipients.
- Select award recipients
- Secure impressive looking awards, not just a paper certificate.
- Hold an annual ceremony to present the awards. It could be held at city/county hall, at the state legislature, at a community center, or other community gathering place.
- Establish a location in the law enforcement or government facility where the names and photographs of award winners will be permanently displayed.

Law enforcement administrators should be aware that many of their actions send messages to the employees about what is valued in the organization. The following are examples of opportunities to recognize employees who are supporting community policing and diversity in the workplace.

Assignment

Assignment to units can be a method of sending a powerful message. Employees who have exemplified support for the agency's goals should be considered for assignment to highly desirable positions. Some of these positions may be the public information officer, field training officers, gang units, SWAT teams, homicide units, and other similar units. In addition, the assignment to units such as domestic violence, child abuse, recruiting, and other service-related units should be emphasized as a reward for excellence. Some of the ways to emphasize the importance of these units is by giving the managers authority to select the best officers and by providing quality furniture, physical space, and resources to the unit.

Training

Training opportunities are highly desired by employees. While training must be provided to all employees on a routine basis, selection for personnel to attend special training programs, conferences, and seminars should be based upon several factors including: needs of the agency; assignment; developing subordinates for promotion; and as a reward for supporting community policing and diversity.

Promotion

The choice of persons to be promoted sends a very strong message about desired behavior. Each agency must, of course, make promotion decisions based on civil service regulations, labor agreements, and other statutory parameters. Employees who have demonstrated an understanding of and support for the concepts of community policing, including the importance of cultural diversity, should be favorably considered for promotion. When promotions are made a ceremony should be held where the head of the law enforcement agency articulates the reasons for promoting the selected persons, emphasizing their commitment to community policing and diversity.

Expert Assistance, Reference Materials, Contact Persons, and Other Useful Information

- Refer to **Appendix M** for the awards policy from the **Port St. Lucie Police Department**.

Checklist for Developing Effective Awards and Recognition Programs

- ❑ An awards committee has been established, including a diverse group of community members, and employee representatives.
- ❑ Types of awards to be given and criteria for receiving the awards have been developed and published.
- ❑ Employees and community representatives have been asked for recommendations for award recipients.
- ❑ Awardees receive a plaque or some other substantial reward, not just a certificate.
- ❑ An annual ceremony is held in a recognized place of importance to present awards.
- ❑ The names and photographs of award recipients are prominently displayed.
- ❑ Assignment to specialty positions is used as a method of recognizing employees who support community policing and diversity.
- ❑ The persons selected to attend training, conferences, and seminars are recognized as supporting community policing and diversity.
- ❑ Persons who are selected for promotion are supportive of community policing and diversity.
- ❑ The promotion ceremony is used as an opportunity to reinforce the agency's goals of promoting community policing and diversity.

Appendix A

Feminist Majority Foundation and National Center for Women & Policing Study,
"Gender Differences in the Cost of Police Brutality and Misconduct:
A Content Analysis of LAPD Civil Liability Cases 1990-1999."

Gender Differences
In The Cost of Police Brutality and Misconduct
A Content Analysis of LAPD Civil Liability Cases: 1990-1999

Conducted by
The Feminist Majority Foundation &
The National Center for Women & Policing

September 5, 2000

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(Continued)

GENDER DIFFERENCES IN THE COST OF POLICE BRUTALITY AND MISCONDUCT

A CONTENT ANALYSIS OF LAPD CIVIL LIABILITY CASES: 1990-1999

Conducted by The Feminist Majority Foundation & The National Center for Women & Policing

METHODOLOGY

This study was conducted to analyze and quantify the gender aspects of the escalating cost of police brutality and misconduct in the Los Angeles Police Department. Data for the study was developed by reviewing the Los Angeles City Attorney's report on Police Litigation, 1990-1999, information available from Los Angeles City Council files, Los Angeles City Council Committee on Budget and Finance reports, and court pleadings including the plaintiff's complaint and the defendant's answer. All court pleadings, City Council files, and Council Committee on Budget and Finance reports are public domain documents.

The study analyzed police-related lawsuits (127 cases) against the City of Los Angeles and individual LAPD officers between 1990 through 1999 involving judgments or out-of-court settlements exceeding $100,000. Only data from cases falling into the following categories were included in the study: the use of excessive force allegations[1], police officer involved sexual assault, and police officer involved domestic violence. By excluding traffic accident lawsuits, four lawsuits involving hundreds of LAPD officers on duty at public demonstrations or "gang sweep" operations in which the identity of the officers engaging in the use of excessive force could not be determined from the case files, and cases missing or falling outside the aforementioned categories, the research sample of 127 narrows to 80 lawsuits. The gender of the officers could be determined in 78 of the 80 lawsuits.

The City of Los Angeles paid in excess of **$67.8 million** in judgments and settlements in the 80 lawsuits included in the study involving the use of excessive force, police officer involved sexual assault, sexual abuse, molestation and domestic violence. The researchers note that the $67.8 million does not measure the LAPD's and the City's total cost exposure; unaccounted for are the millions of dollars the City spent in defending against these civil suits. Nor does the study include prospective or currently pending lawsuits stemming from the Rampart Division scandal, which are estimated to cost upwards of hundreds of millions of dollars.

(Continued)

KEY FINDINGS

- **Female officers were involved in excessive force lawsuits at rates substantially below their male counterparts, and no female officers were named as defendants in cases of police officer involved sexual assault, sexual abuse, molestation, and domestic violence.** Of the **$66.3** million in judgments or out-of-court settlements paid out by the City of Los Angeles for which the gender of the officer(s) could be determined, **$63.4 million (or 95.8%) was attributable to male officers' misconduct.** In contrast, **$2.8 million (or 4.2%) of total payouts were attributable to female officers' misconduct.**

- Although the overall ratio of male to female police officers and sergeants serving in a patrol capacity from 1990-1999 was 4:1,[2] **payouts on cases involving male officers' misconduct exceeded payouts on cases involving female officers by a ratio of 23:1.** The numbers of male officers involved in or at the scene of an incident exceeded the numbers of female officers involved by a ratio of more than **9:1**.

- Male police officers disproportionately accounted for the excessive force lawsuit payouts involving killings and assault and battery: **male officer payouts for killings exceeded female officer payouts by a ratio of 43:1** and **male officer payouts exceeded female officer payouts for assault and battery by a ratio of 32:1.**

- Often in cases where female officers were present at the scene of an excessive force incident, it appears they were not directly involved in the use of excessive force. Of the 27 female officers involved in or at the scene of an excessive force incident, only 15 were alleged to be directly involved in the use of excessive force. Moreover, not one female police officer was named in more than one lawsuit, while some male officers were defendants in more than one case, evidencing a pattern of use of excessive force among these male officers.

LAPD BRUTALITY AND MISCONDUCT CIVIL LIABILITY CASES: 1990-1999

Allegation Classification	Male Officer(s) Involved	%	Female Officer(s) Involved	%	Male Payout ($)	Female Payout ($)	Total Payout ($)
Assault and Battery	100	90.1	11	9.9	10,792,843	334,945	11,127,788
Shooting	38	86.4	6	13.6	24,856,333	2,232,667	27,089,000
Killing	56	93.3	4	6.7	9,045,544	210,714	9,256,258
Other excessive force/misconduct[3]	53	89.8	6	10.2	8,323,287	23,077	8,346,364
Sexual assault and molestation	7	100.0	0	0.0	8,281,000	0	8,281,000
Officer involved domestic violence	1	100.0	0	0.0	2,150,000	0	2,150,000
Total[4]	**255**	**90.4**	**27**	**9.6**	**63,449,007**	**2,801,403**	**66,250,410**

Note: When lawsuits alleged more than one complaint against the defendant officer(s), the study analyzed the most serious allegation reported by the complainant.

(Continued)

- Particular attention is warranted to the eight lawsuits that emerged from the research involving police officers involved in sexual assault, sexual abuse, molestation, and domestic violence. The largest settlement includes a lawsuit involving a male officer who sexually battered a minor in her own home during the course of a response to a police call (**$6.3** million in **Diaz v. City & Tanabe**). Allegations of sexual assault also arose in **Trujillo v. City**, where a male LAPD Sergeant sexually molested four minor plaintiffs while on duty, in uniform, and in a police car (**$500,000**). The City also paid in excess of **$1.5** million in **Wynn v. City**, a lawsuit that arose after Officer Victor Ramos used his city-issued firearm to shoot and kill his ex-wife and her boyfriend, and then turned the gun on himself. The Los Angeles Police Department had prior knowledge of Ramos' violent domestic history, having earlier removed his gun for a short period following his violent threats against his former wife at her place of employment while he was on-duty. Ramos' gun was returned to him shortly before his murder spree.

- **In all, the City of Los Angeles incurred $10.4 million in judgments and settlements in cases involving male police officers sued for sexual assault, sexual abuse, molestation, and domestic violence. There were no female officers involved or named as defendants in any of these cases.** The real costs to the community, however, are even greater – both in financial and human terms. Given that domestic violence represents the single largest category of calls made to police departments, and that tens of thousands of women are physically assaulted each year in Los Angeles, failure by police to effectively respond to crimes of violence against women not only has particularly high consequences for women in the community, but impacts the credibility and community trust in the LAPD.

Conclusion

More than 25 years of exhaustive research shows that women do the job of policing equally as well as men, responding to similar calls and encountering similar dangers. But more importantly, the research shows that women hold the key for substantially decreasing police violence and its cost. This new study confirms earlier research both in the United States and internationally that shows women police officers are less authoritarian, and rely less on physical force and more on verbal skills in handling altercations than their male counterparts. As a result, women police officers are better at defusing potentially violent confrontations with citizens and are less likely to become involved in problems with excessive force than male police officers. The full integration of women into the LAPD is an opportunity for a constructive solution to the costly problems of police brutality and misconduct.

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[1] Including the negligent use of a less than lethal weapon, negligent restraint tactic, killing, shooting, canine, assault and battery, false imprisonment, false arrest, and police pursuit

[2] Based on percentage of women and men Police Officers I, II, III, and Sergeants I and II who are most likely to serve in a patrol capacity and thus have the highest probability of becoming involved in a violent confrontation with citizens due to the nature of their policing assignment. Overall, women comprised an average of 16.1% of all sworn law enforcement personnel in the LAPD between 1990-1999. Source: Equal Employment Opportunities Division of the LAPD.

[3] Represents 7 cases, involving 2 false arrest/imprisonment cases, an illegal search, 2 vehicular assaults, and 2 police canine attacks.

[4] Of the $67.8 million paid by the City of Los Angeles for the 80 lawsuits included in the study, $1.5 million was paid out where the gender of the officer(s) could not be determined by the case files.

PORT ST. LUCIE POLICE DEPARTMENT STANDARD OPERATING PROCEDURE			
CALEA STANDARDS:	DATE ISSUED: .05/01/90	EFFECTIVE DATE: 05/01/90	S.O.P. NUMBER: 200.004
	DATE REVISED: 08/29/96	REVISION NUMBER: 02	PAGE NUMBER: 1 of 6

NEIGHBORHOOD POLICING BUREAU
NEIGHBORHOOD OFFICER

I. POSITION SUMMARY:

The Neighborhood Police Officer's function embraces many activities. The Neighborhood Police Officer is expected to provide law enforcement protection and service, including conducting criminal investigations, traffic enforcement, crime prevention, and general police service.

Neighborhood Policing Bureau Police Officers are expected also to develop a partnership with citizens, through personal contact, to identify and reduce or eliminate neighborhood crime and disorder problems with the goal of enhancing the quality of life in Port St. Lucie.

The Neighborhood Police Officers play an important and primary role in accomplishing the goals of the Port St. Lucie Police Department; therefore, they should frequently review these goals and discuss them with their supervisors.

All Neighborhood Police Officers shall be assigned to districts and have a working knowledge of the duties and responsibilities necessary to fulfill their assigned tasks.

II. RESPONSIBILITIES AND DUTIES:

The Neighborhood Police Officer is responsible for combating all observed or reported incidents of crime, as well as taking legal enforcement action for the violation of any laws he is charged with enforcing within the scope of his jurisdiction.

(Continued)

SUBJECT/EVENT: Neighborhood Policing Bureau Neighborhood Officer	S.O.P. NUMBER: 200.004	PAGE NUMBER: 2 of 6

II. DUTIES AND RESPONSIBILITIES: (Continued)

A. Responsibilities:

1. To protect life and property.

2. To prevent and suppress crime.

3. To apprehend violators of the law.

4. To preserve the public order.

5. To effectively resolve neighborhood problems through creative problem solving techniques by initiating problem solving action plans to reduce or eliminate repeat crime and disorder problems in neighborhoods.

B. Duties:

1. Neighborhood Police Officers shall respond to calls to which they are dispatched as quickly as possible, within the limits of safety. They shall respond to assistance received directly from citizens in the same manner.

2. Neighborhood Police Officers shall patrol their zone in an alert and diligent manner, and shall actively seek out conditions detrimental to the safety of the citizens in their zone.

3. Neighborhood Police Officers shall request assistance from their supervisor when confronting a situation which presents special or unusual problems which they do not feel competent to handle.

4. Neighborhood Police Officers shall report identifiable or potential hazards.

5. Neighborhood Police Officers shall conduct routine security checks of businesses and/or locations of special concern.

6. Neighborhood Police Officers shall conduct traffic accident investigations with adherence to Port St. Lucie Police Department procedures.

(Continued)

SUBJECT/EVENT: Neighborhood Policing Bureau Neighborhood Officer	S.O.P. NUMBER: 200.004	PAGE NUMBER: 3 of 6

II. RESPONSIBILITIES AND DUTIES: (Continued)

7. The Neighborhood Police Officer shall render aid and assistance to:

   a. Injured persons,

   b. Stranded persons or motorists,

   c. Indigent persons,

   d. Handicapped persons,

   e. Any other person where aid or assistance is needed or required.

8. Neighborhood Police Officers shall make field interview and/or reports of suspicious persons and incidents.

9. Neighborhood Police Officers shall apprehend violators of federal, state, and municipal laws and ordinances and take the appropriate action, as deemed under the law or ordinance being violated. They shall use only the appropriate force necessary to overcome resistance to effect the arrest.

10. Neighborhood Police Officers shall issue traffic citations or warnings to violators of traffic laws.

11. Neighborhood Police Officers shall appear and testify in court, as directed by subpoenas, in a professional and knowledgeable manner.

12. Neighborhood Police Officers shall conduct investigations in a thorough, logical, and competent manner.

13. Neighborhood Police Officers shall preserve public order to include crowd control, domestic disturbances, civil disorders, and natural and man-made disasters.

14. Neighborhood Police Officers shall be knowledgeable in all Port St. Lucie Police Department General Orders, Standard operating Procedures, City Rules and Regulations, state laws, and municipal ordinances.

15. Neighborhood Police Officers shall conduct themselves in a manner which will earn the respect of the citizens in the community and shall project a professional attitude at all times.

(Continued)

SUBJECT/EVENT: Neighborhood Policing Bureau Neighborhood Officer	S.O.P. NUMBER: 200.004	PAGE NUMBER: 4 of 6

II. RESPONSIBILITIES AND DUTIES: (Continued)

16. Neighborhood Police officers shall maintain all equipment in the proper condition necessary for the completion of assigned duties.

17. The Neighborhood Police Officer shall report for duty at his or her assigned times and attend shift briefings.

18. Neighborhood Police Officers shall prepare and submit all necessary daily reports, offense reports, traffic accident reports, and any other necessary written reports in a clear, concise, and legible manner.

19. Neighborhood Police Officers shall maintain radio contact with communications at all times, and respond to all assigned calls in a prompt and safe manner.

20. Neighborhood Police Officers shall attend all training sessions, as directed.

21. Neighborhood Police Officers shall perform all other assigned tasks and duties as directed by a higher authority.

22. Neighborhood Police Officers shall be familiar with the residents and merchants in their assigned zone and shall utilize problem solving methods to resolve problems within their zone.

23. Neighborhood Police officers shall make daily citizen/business contacts and become acquainted with and assist them in identifying problems and concerns as well as formulating solutions to their problems.

24. Neighborhood Police Officers should gather intelligence-related information and provide same to the crime analyst and criminal investigations division, and other neighborhood police officers as appropriate.

25. Neighborhood Police Officers shall promote crime prevention and work to anticipate crime trends and develop plans to address these problems before they become established.

(Continued)

SUBJECT/EVENT: Neighborhood Policing Bureau Neighborhood Officer	S.O.P. NUMBER: 200.004	PAGE NUMBER: 5 of 6

III. ADDITIONAL DUTIES OF NEIGHBORHOOD COORDINATORS:

Neighborhood Coordinators shall have the same responsibilities as listed above, however, will have the following additional duties:

1. Neighborhood Coordinators shall participate and assist district zone officers in special events and community activities, (PAL, parades, park activities, bike rodeos).

2. Neighborhood Coordinators shall attend weekly action team meetings.

3. Neighborhood Coordinators shall coordinate the services of various divisions/city departments and governmental as well as private agencies in an effort to resolve identified zone problems.

4. Neighborhood Coordinators shall provide coverage at neighborhood policing offices - maintaining weekly office hours so the community is able to become familiar with each officer.

5. Neighborhood Coordinators shall assist other components of the police department in their activities, such as animal control, code enforcement, criminal investigation division and crime watch patrol.

6. Neighborhood Coordinators shall check their answering machines regularly and promptly for message. They shall leave a recorded message advising of return date during planned absences of three (3) days or more.

7. Neighborhood Coordinators shall coordinate, plan and participate in the Crime Watch "National Night Out" along with other neighborhood officers.

8. Neighborhood Coordinators shall maintain a Criminal Activity Information line. They shall also coordinate with other neighborhood officers assigned to district zone patrol and the crime analyst and update the action line weekly.

9. Neighborhood Coordinators shall attend no less than 2 shift briefings weekly. They shall also review zone reports and prepare supplements to these reports when appropriate.

(Continued)

SUBJECT/EVENT: Neighborhood Policing Bureau Neighborhood Officer	S.O.P. NUMBER: 200.004	PAGE NUMBER: 6 of 6

III. ADDITIONAL DUTIES OF NEIGHBORHOOD COORDINATORS: (Continued)

10. Neighborhood Coordinators will assist and exchange information with neighborhood officers assigned to zone patrol as well as coordinate problem solving efforts in zones with district zone officers and ensure that crime and neighborhood disorder problems are being addressed.

11. Neighborhood Coordinators shall perform zone duties when assigned to a shift and shall also handle calls for service in zones when available.

12. Neighborhood Coordinators shall develop and conduct speaking presentations on topics identified as concerns or problems within the district.

13. Neighborhood Coordinators shall serve as members of various civic organizations and committees, i.e. Chamber of Commerce, Quality of Life Committee and shall also participate in special duties as assigned within the department, i.e. SRT, FTO, Explorers, etc.

14. Neighborhood Coordinators shall perform resident/commercial security surveys. They shall also conduct surveys, follow-up contacts and provide a sense of security for businesses and citizens within their assigned zone.

15. Neighborhood Coordinators shall work closely with neighborhood associations by holding and participating in community meetings to develop strategies to reduce or eliminate crime and order maintenance problems in their communities.

Assistant Chief Brian E. Reuther
Neighborhood Policing Bureau Chief

PORT ST. LUCIE POLICE DEPARTMENT STANDARD OPERATING PROCEDURE			
CALEA STANDARDS:	DATE ISSUED: .05/01/90	EFFECTIVE DATE: 05/01/90	S.O.P. NUMBER: 200.010
	DATE REVISED: 07/12/96	REVISION NUMBER: 03	PAGE NUMBER: 1 of 5

NEIGHBORHOOD PATROL
FUNCTION AND RESPONSIBILITIES

I. PURPOSE:

The purpose of this standard operating procedure is to define the function and responsibilities of the Neighborhood Policing Bureau.

II. DISCUSSION:

The Neighborhood Policing function comprises the largest and most costly segment of the entire Department. Members assigned to the Neighborhood Policing are responsible for the vast majority of all case closures, including arrests, recovery of property, aid to citizens, and the protection of the public. No specialized function contributes more to the reputation and understanding of the department than the Neighborhood Policing Bureau. This section is directed towards the officers' responsibility to the community and the Department.

III. RESPONSIBILITIES:

A. Preventative Patrol:

The deployment of personnel is designed to allow for a certain amount of time for preventative patrol. This time should be directed toward solving specific problems within each zone, based on the officer's assessment of theme problems. A combination of the following in suggested:

1. Crime Prevention -- Contact past and potential victims to assist them in the prevention of criminal acts.

(Continued)

SUBJECT/EVENT: Neighborhood Patrol Functions and Responsibilities	S.O.P. NUMBER: 200.010	PAGE NUMBER: 2 of 5

III. RESPONSIBILITIES: (Continued)

2. Selective Traffic Enforcement -- Based on the data available, information from accident reports filed with the Records Division, complaints received from citizens, and personal knowledge.

3. Discovery of Delinquency-Causing Situations -- Officers should become familiar with their zone assignment so they can actively patrol their assigned zones for violations which lead to delinquency-causing situations. Such violations should be reported to the Juvenile Officer and to the Health and Rehabilitative Office, if applicable.

4. Discovery of Hazardous-Causing Situations -- Officers patrolling their assigned zones should be cognizant of the situations which would cause or tend to cause hazardous circumstances if the violations are not immediately addressed. These violations should be corrected by the officer or -reported to the appropriate agency having jurisdiction over the matter.

5. Order Maintenance Function -- Officers should make inquiries into activities which are detrimental to public safety and tranquility when identified in their respective zones. Upon identification of these activities, officers should have the knowledge and resource to use existing state statutes and municipal ordinances, along with a general rapport with the offenders to reach a satisfactory understanding between the parties involved.

6. Directed Patrol -- Based on available data from the Crime Analyst, Records Section,, and Criminal Investigations Division. Officers should direct specific attention to areas identified.

7. Problem Solving -- Officers should actively seek solutions to problems within their assigned zones utilizing both traditional and innovative means. Citizens within these zones should be encouraged to actively participate in these problem solution efforts, thus ensuring a commitment to success. Officers should follow the four-step, problem-solving methodology commonly referred to an SARA (Scanning - Analysis - Response - Assessment)

(Continued)

SUBJECT/EVENT: Neighborhood Patrol Functions and Responsibilities	S.O.P. NUMBER: 200.010	PAGE NUMBER: 3 of 5

III. RESPONSIBILITIES (Continued)

B. Community Policing:

Community Policing is an operational and management philosophy that is uniquely identifiable. Primarily community policing is characterized by ongoing attempts to promote greater community involvement in the police function. Neighborhood Policing Officers should promote this philosophy throughout the community through:

1. Customized police service
2. A commitment to crime prevention
3. Accountability of their actions to the public
4. Participation and involvement in community organizations

Through these efforts officers will develop directed strategies in response to identified crime and/or other disorder problems through cooperative strategies within the community. Officers will, assume the responsibility and authority to address a wide array of social concerns and neighborhood problems, serving an a coordinator of police services and neighborhood commitment in an effort to better the quality of neighborhood life rather than simply responding to calls for service and reported crimes.

C. Crime Prevention:

It is part of the Neighborhood Policing Officer's responsibility to act as a crime prevention specialist. Upon completion of investigation of criminal acts, officers should take the time to instruct and show victims how further criminal acts can be prevented.

D. Investigation and Detection of Crime:

All reported and detected criminal activity must be thoroughly investigated. Those that require a response of a special unit and/or supervisor should be known to each officer and the appropriate action taken. Neighborhood Policing Officers are encouraged to conduct follow-up investigations whenever practical and at all times when directed by a competent authority. All follow-up and preliminary investigations will be reported in writing.

(Continued)

SUBJECT/EVENT: Neighborhood Patrol Functions and Responsibilities	S.O.P. NUMBER: 200.010	PAGE NUMBER: 4 of 5

III. RESPONSIBILITIES (Continued)

E. Traffic Direction and Control:

1. Each officer is responsible for facilitating the even flow of traffic throughout hie assigned zone. Hazards consisting of an immediate threat to public safety or property must be reported and the appropriate action taken to correct such hazard. Each officer finding such a hazard is charged with the responsibility of correcting such hazard or notifying Communications to enlist the aid of such division or department responsible for correcting the hazard. The reporting officer will remain at the scene of such hazard until so relieved by competent authority, or proper action has been taken to correct such hazard.

2. Existing hazards which do not pose an immediate threat to public safety or property shall be reported to the dispatcher. The Communications Center will notify the appropriate agency charged with the responsibility.

F. Regulation of Business:

In general, the Department will not become involved with the normal operation of business activities in the community. However, there are statutes which empower law enforcement to inspect and authorize such businesses. Each officer should become aware of all such businesses in his zone and the applicable ordinances which govern those businesses. Each officer is charged with the responsibility of monitoring those establishments and making a report of any violation. Should an officer be able to correct any violation, he should do so and report the same in writing; and if not, he should report the same in writing to the appropriate agency responsible for correcting the violation.

G. General Public Contacts:

Neighborhood Policing officers should attempt to establish an open rapport with the community members and gain understanding and cooperation with citizens through a positive and professional contact. Officers should be mindful that they are ambassadors of the city government and usually the first representative of the city that the public will come into contact with.

(Continued)

SUBJECT/EVENT: Neighborhood Patrol Functions and Responsibilities	S.O.P. NUMBER: 200.010	PAGE NUMBER: 5 of 5

III. RESPONSIBILITIES (Continued)

H. Other Department Functions:

Neighborhood Policing Officers should become familiar with the functions of each of the other Department Divisions and Sections, and the proper method for communicating and utilizing their resources.

Assistant Chief Brian E. Reuther
Neighborhood Policing Bureau Chief

Appendix C

Boulder Police Department Job Description

BOULDER POLICE DEPARTMENT

POLICE OFFICER

JOB DESCRIPTION AND REQUIREMENTS

OVERALL JOB OBJECTIVE

Under general supervision and in cooperation with the community, to perform patrol, investigative, service and enforcement functions, to generally provide for the safety of the public, and to perform related duties as required

DUTIES AND RESPONSIBILITIES

1. Patrols a designated area of the City on foot, bicycle and/or in a radio equipped patrol car. Performs complex investigation, renders service, enforces traffic and criminal laws, and generally provides for the safety of the public.
2. Interacts and works with diverse groups of people within the department and the community to render service and collect information.
3. Uses problem solving skills, creativity, and innovative approaches to identify community concerns, present options of courses of action, identify resources, plan for implementation of changes, and evaluate success. This includes the following:

* Obtains information and increases knowledge of persons and conditions within an assigned area.
* Identifies the causes of crime within an assigned area.
* Works with community members to identify and analyze crime and other problems within an assigned area and to design strategies to address these problems.
* Anticipates crime trends and makes plans to break negative patterns before they become established
* Creates an environment in which community members are motivated to organize and assist in the implementation of problem-solving strategies.
* Works with youth in daily activities and special projects, consistent with organizational values.

4. Coordinates information and resources among other department employees, public and private agencies, and citizens regarding crime problems and solutions. This includes the following:

* Works with other department employees (commissioned and non-commissioned) as well as public and private agencies in designing and implementing problem-solving strategies.
* Locates and organizes resources needed to implement strategies.
* Shares information with other department members.
* Establishes two-way communication and acts as an informational source to citizens regarding crime problems and solutions.

5. Reads and applies department policies, rules, regulations, instructions, laws and ordinances, and general literature pertaining to policing.
6. Analyzes and interprets legal codes and criminal evidence.
7. Prepares written reports and memoranda summarizing information.
8. Uses computers for reports, communications, and information retrieval.
9. Testifies in court as a credible witness regarding policing duties.
10. Performs related duties as required by management to meet the needs of the City.
11. Takes proper safety precautions, anticipates unsafe circumstances, and acts accordingly to prevent accidents. Responsible for safety of self, others, materials and equipment. Uses all required safety equipment.
12. Attends work regularly and reliably.

The City of Boulder is committed to hiring employees who provide good customer service; our employees communicate courteously and responsively and provide effective and efficient service to the public and co-workers.

Generally, duties and responsibilities are listed from most to least critical or time-consuming.

(Continued)

REQUIREMENTS
AGE: At least 21 years of age at time of application.

EDUCATION
Must have a two-year associate's degree, or at least two years (60 semester hours) of completed college course work at college or university accredited by the North Central Commission on Higher Education, or written verification that credits would transfer to a college or university that is accredited by the North Central Commission on Higher Education, all of which has been completed with a minimum grade of "C," or "credit" when taken with a credit/no credit option, at time of application.

EXPERIENCE
At least two years of work and/or life experience directly relating to a combination of skills and experiences including at least two of the following areas:

1. Demonstrated community involvement and experience working with youth, the disabled community, the elderly, or with drug/alcohol intervention issues.
2. Interviewing, public speaking, and conflict resolution skills.
3. Demonstrated ability to solve problems using creative methods to resolve issues.
4. Positive multi-cultural work and life experiences.

Stable work history.
Valid driver's license and acceptable driving record.

COMPETENCIES
Ability to do the following tasks to acceptable standards.

* Learn and apply new information.
* Communicate effectively, verbally, in writing, and interpersonally.
* Work effectively as an individual and team member.
* Interact and work with others appropriately and effectively in a work place and community of diverse cultures, ages, genders, and socioeconomic backgrounds.
* Assert self appropriately.
* Accept responsibility, acknowledge mistakes, and share successes.
* Be dependable.
* Comply with laws, rules, regulations, and procedures.
* Maintain composure and perform effectively in stressful situations.
* Exercise good judgement.
* Solve problems with innovation and creativity, including alternatives which involve taking risks.
* Provide effective and efficient services with courtesy, responsiveness, and competence.
* Use computers for reports, communications, and information retrieval.
* Ability to provide services in cooperation with the community in a manner consistent with the Boulder Police Department and the City of Boulder mission statement and a value-based management system.
* Ability to adapt to change and changes in work conditions, and work in an environment of growth and innovation.
* Ability to learn and perform department self-defense and control techniques and the use and control of firearms.
*

PHYSICAL REQUIREMENTS
Ability to perform essential physical functions of the job. This includes, by way of example only, corrected visual acuity of 20/30 in both eyes; no marked red-green deficiency of color vision and no dimming of red objects; normal depth perception; no significant interference with night vision, no significant loss of peripheral vision; strabismus which is accompanied by double vision and not correctable. This will also include no

(Continued)

hearing loss of greater than 46 decibels in the 3,000 cps range. Applicants who are otherwise qualified but cannot meet specific standards due to a disability as defined by the Americans With Disabilities Act may be given an opportunity to demonstrate their ability to perform the job through individual testing, or may contact the City of Boulder Risk Manager about reasonable accommodations.

BACKGROUND INFORMATION

Demonstrated personal and professional honesty, integrity, and good judgment as shown in applicant's criminal history, background, and motor vehicle record. The following will disqualify any applicant from consideration:

* Any felony conviction.
* Any commission of a felony in the previous five years, including felonious drug use or possession.
* Any non-traffic related misdemeanor within the previous 36 months.
* Eight points or three moving violation convictions, or a suspended, restricted, or revoked license in the previous 24 months.
* Any false or untrue statements, or material omissions in the application and related paperwork or during the selection process.

OTHER CONSIDERATIONS

City of Boulder Nepotism Policy requires that applicants who are related to Police Department employees identify themselves at the time of application. Those applicants related to Boulder Police Department employees at or above the rank of Commander will not be eligible for consideration.

DESIRED QUALIFICATIONS

Note: "Desired qualifications" are differentiated from "requirements." Requirements are those minimum qualifications needed to apply and to be considered. Desired qualifications are not absolutely necessary to apply and be considered, however, they are weighed with the totality of applicable information when hiring decisions are made.

* Four-year college degree from an accredited college or university.
* Bilingual in English/Spanish or English/Southeast Asian languages, especially Hmong.
* Knowledge of the Boulder area and community.
* Colorado Peace Officer Certification.
* Experience and demonstrated skills working with computers; typing proficiency.
* Documented proficiency in the use of a double- action .38 revolver, double-action 9mm semi-auto handgun, or double-action .45 semi-auto handgun.

LAW ENFORCEMENT COMMISSION

Those selected to fill police officer positions who are not yet certified will be sent to an approved academy. All new hires will not be commissioned, will not have arrest powers nor any other authority given to "Peace Officers" or "Police Officers" as defined by the Colorado Revised Statutes, until successful completion of the academy and satisfaction of all of the requirements of the State of Colorado Police Officer Standards and Training Board and of the Boulder Police Department.

The costs associated with sending individuals to a police academy and equiping them (including tuition, books and uniform) will be considered a loan to be paid off by successful completion of three years of service. Any individual who fails to successfully complete this commitment shall be expected to reimburse the Boulder Police Department for these costs proportionate to the length of service. An individual who fails to successfully complete one year of service shall be expected to reimburse the department for 100% of the costs; one to two years, 66% of the costs; two to three years, 33% of the costs; three or more years, 0%.

Appendix D

Executive Summary on Improving the Recruitment of Women in Policing: An Investigation of Women's Attitudes and Job Preferences

Improving the Recruitment of Women in Policing: An Investigation of Women's Attitudes and Job Preferences

Lieutenant Colonel Deborah J. Campbell,
New York State Police

Lieutenant Bryon D. Christman,
New York State Police

Melissa E. Feigelson,
University at Albany

EXECUTIVE SUMMARY:

A programmatic investigation was conducted to address the issue of attracting female applicants to consider the New York State Police as a career option. This investigation included a thorough examination of the research literature, as well as the design and administration of four different surveys. As a result of the literature review, two theories were identified to provide direction for improving the recruitment of women. First, the theory of Planned Behavior suggests that people's attitudes are good predictors of their intentions. Second, the theory of Person-Environment Fit suggests that people will perceive an organization or job as attractive if they feel that their own desires or personality will be well suited to the environment or situation where they will be working. Organization attractiveness is an important aspect that can lead to an increase in the number of female applicants. Four different surveys were designed to assess people's attitudes and beliefs, and to assess the potential fit between the position of New York State Trooper and women's job preferences. Specifically, the final survey assessed attitudes toward the New York State Police and the job of a Trooper, and individuals' preferences for different job attributes.

Project results indicated that the most preferred job attributes for women between the ages of 19 and 29 were: financial inducements and job security; supportive work climate; job enrichment (skill and task variety); and family friendly work policies. It was also determined that misperceptions of danger may be detracting from the number of female applicants.

Strategies for improving the recruitment of women were based on the fit between what women desire in a job and how those desires match their perceptions of the job of a Trooper. Specifically, a recruitment program that emphasizes the challenging nature of the job, the diverse activities and skills required (job enrichment), the organization's commitment to improving their family-related work policies, and the camaraderie among Troopers, may be effective in attracting more females to the job.

For a complete copy of this study contact Lt. Colonel. Deborah Campbell at 518-485-0854.

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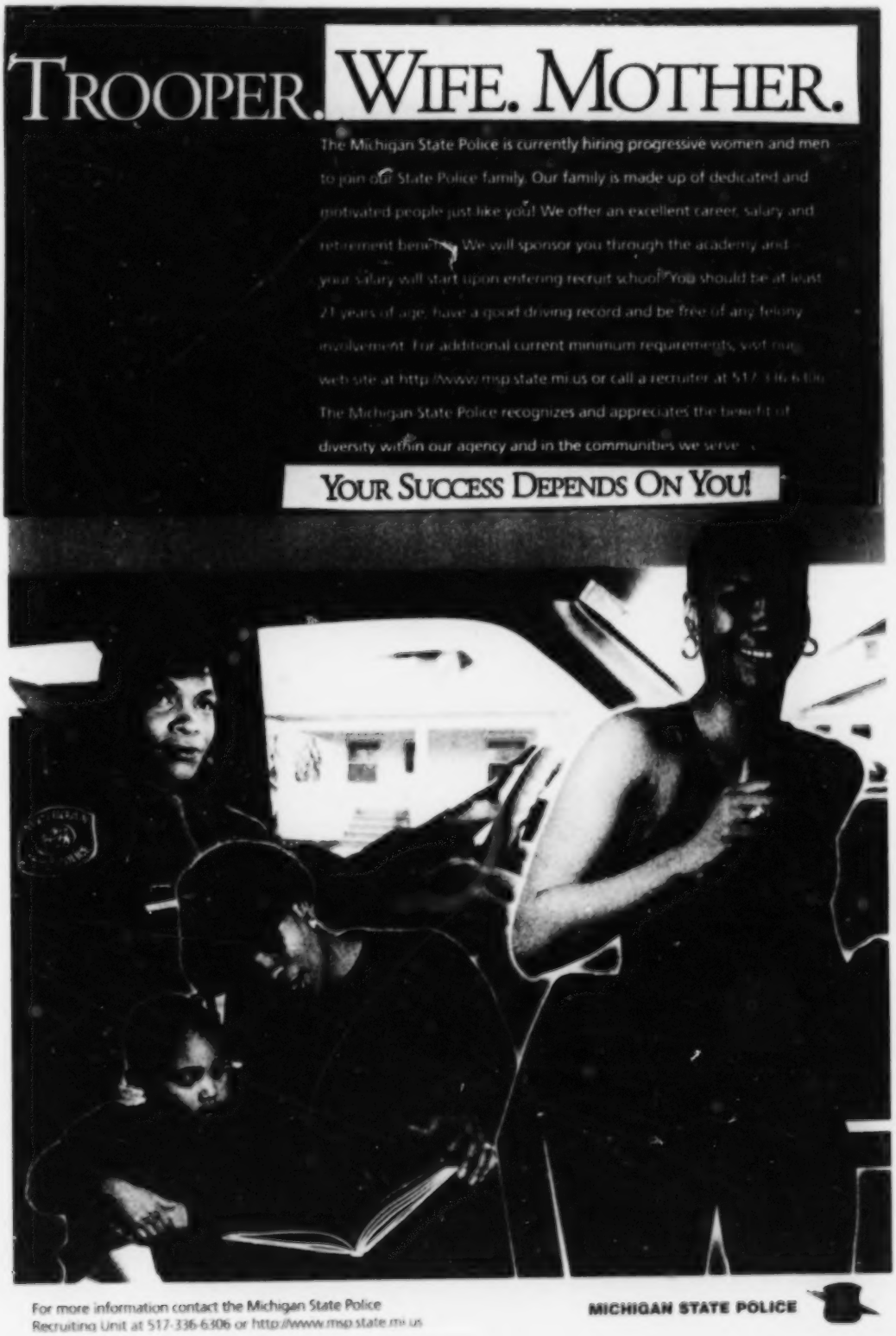
Michigan State Police Recruiting Posters


TROOPER. WIFE. MOTHER.
The Michigan State Police is currently hiring progressive women and men to join our State Police family. Our family is made up of dedicated and motivated people just like you! We offer an excellent career, salary and retirement benefits. We will sponsor you through the academy and your salary will start upon entering recruit school. You should be at least 21 years of age, have a good driving record and be free of any felony involvement. For additional current minimum requirements, visit our web site at http://www.msp.state.mi.us or call a recruiter at 517-336-6106.
The Michigan State Police recognizes and appreciates the benefit of diversity within our agency and in the communities we serve.
YOUR SUCCESS DEPENDS ON YOU!
For more information contact the Michigan State Police Recruiting Unit at 517-336-6106 or http://www.msp.state.mi.us
MICHIGAN STATE POLICE

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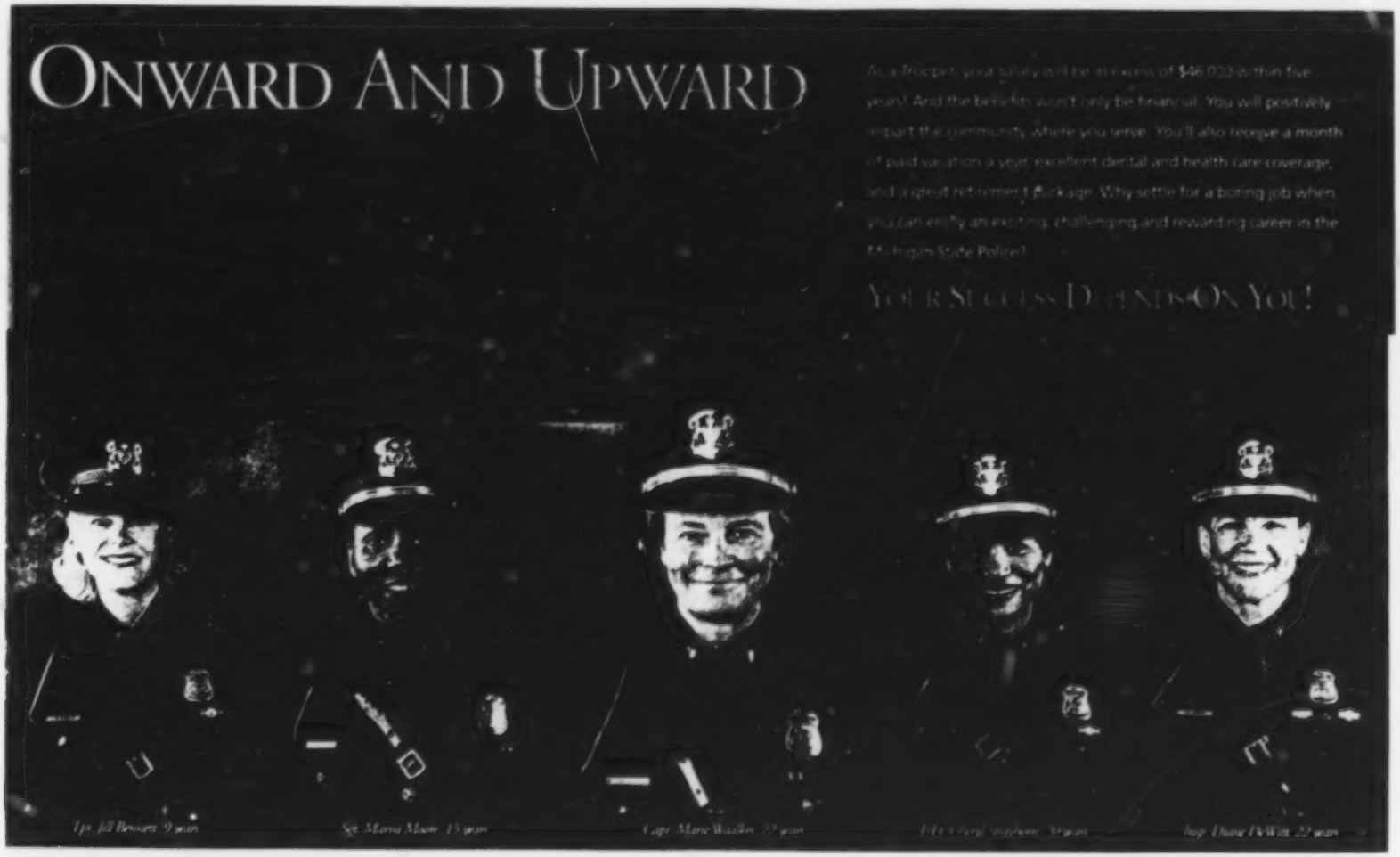
ONWARD AND UPWARD
As a trooper, your salary will be in excess of $46,000 within five years! And the benefits won't only be financial. You will positively impact the community where you serve. You'll also receive a month of paid vacation a year, excellent dental and health care coverage, and a great retirement package. Why settle for a boring job when you can enjoy an exciting, challenging and rewarding career in the Michigan State Police?
YOUR SUCCESS DEPENDS ON YOU!

For more information contact the Michigan State Police Recruiting Unit at 517-336-6306 or http://www.msp.state.mi.us

MICHIGAN STATE POLICE

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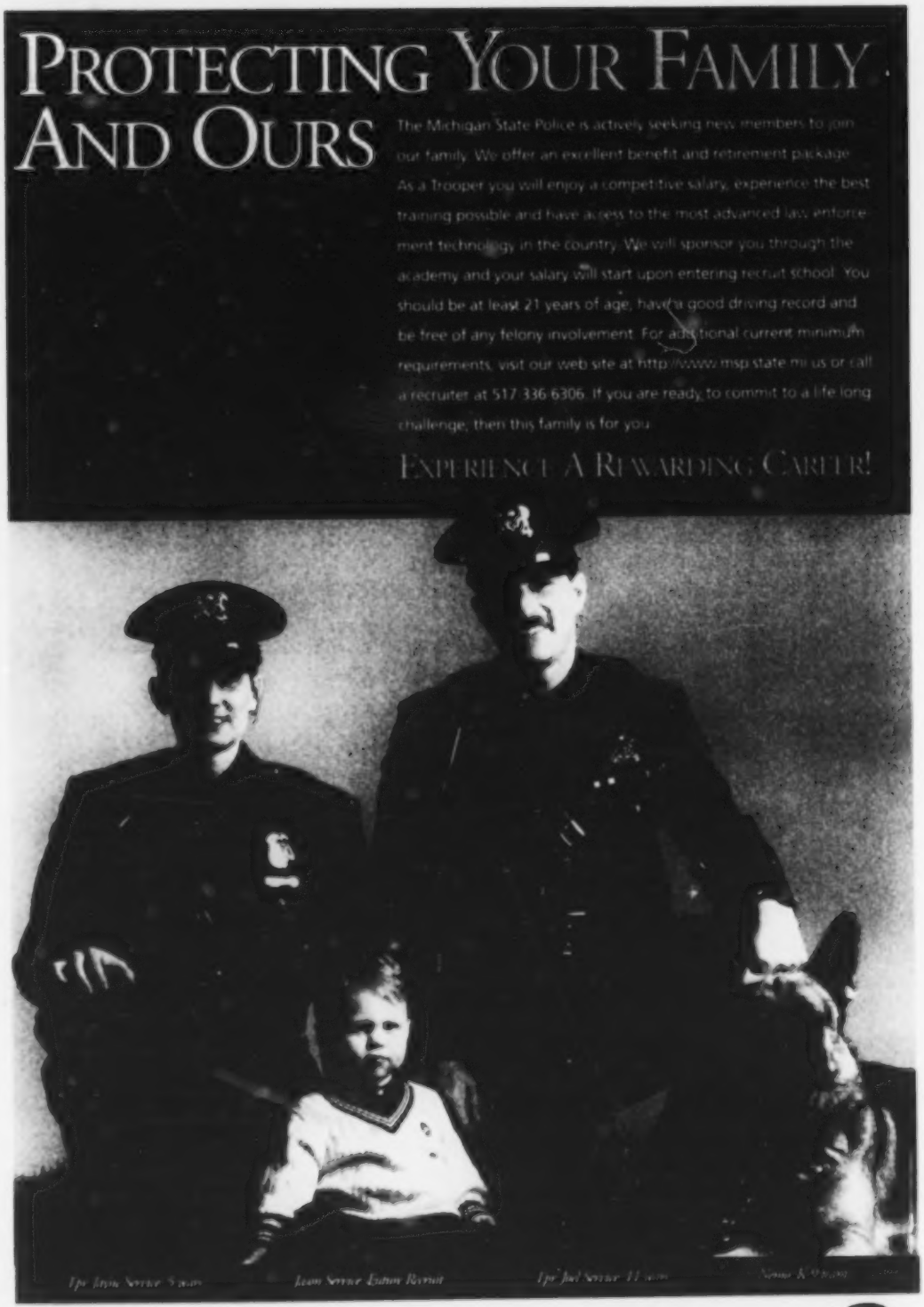
PROTECTING YOUR FAMILY AND OURS
The Michigan State Police is actively seeking new members to join our family. We offer an excellent benefit and retirement package. As a Trooper you will enjoy a competitive salary, experience the best training possible and have access to the most advanced law enforcement technology in the country. We will sponsor you through the academy and your salary will start upon entering recruit school. You should be at least 21 years of age, have a good driving record and be free of any felony involvement. For additional current minimum requirements, visit our web site at http://www.msp.state.mi.us or call a recruiter at 517-336-6306. If you are ready to commit to a life long challenge, then this family is for you.
EXPERIENCE A REWARDING CAREER!
For more information contact the Michigan State Police Recruiting Unit at 517-336-6306 or http://www.msp.state.mi.us
MICHIGAN STATE POLICE

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New Haven Police Department Recruiting Posters
Riverside County Sheriff's Department Recruiting Posters

WE WANT YOU

TO APPLY

NEW HAVEN POLICE DEPARTMENT

Applications available April 26 - May 10 1999 including weekends
Monday - Sunday 9 -5; Thursdays 9 - 9, One Union Avenue

For information call the Recruitment Outreach Office (203) 946-6327 or page Officer Dewlyne Ponteau (867-6522) in the Division of Training and Education.

The department especially encourages New Haven residents, women, African Americans, Latinos/as, Asians and those of all sexual orientations.

$25 application fee, cash or money order.

The City of New Haven is an Equal Opportunity Employer. All qualified applicants are encouraged to apply.

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WE WANT YOU

TO APPLY

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$25 application fee, cash or money order.

The City of New Haven is an Equal Opportunity Employer. All qualified applicants are encouraged to apply.

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RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

Join The All-Star Team

Chief Deputy Janis Duke

Captain Darla Singerton

Riverside County Sheriff's Department Wants YOU!

We are seeking women interested in an exciting, challenging and rewarding career as a law enforcement professional.

Numerous positions are available:

- **Deputy Sheriff/Sworn Peace Officer**
- **Corrections Deputy/Non-Sworn**
- **PSCO (911 Dispatcher)**
- **Sheriff Service Officer**

You too could be one of us. . .

Lieutenant
Valerie Hill

Lisa McConnell
Deputy Sheriff

Robin Moon
Corrections Deputy

Brenda De Armond
PSCO
(911 Dispatcher)

Michelle Reed
SSO
(Sheriff Service Officer)

1-888-JOIN RSD

LARRY D. SMITH, SHERIFF

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Looking for a Few Good Women . . .

Chief Deputy Sue Hansen

Riverside County Sheriff's Department

has numerous positions to offer women seeking careers in Law Enforcement.

Positions Available:

- Deputy Sheriff/Sworn Peace Officer
- Corrections Deputy/Non-Sworn
- PSCO (911 Dispatcher)
- Sheriff Service Officer
- Office Assistant

To Join The ALL-STAR TEAM

1-888-JOIN-RSD

Due to the County of Riverside's phenomenal growth, we have on-going/continuous testing.

FREQUENTLY ASKED QUESTIONS CONCERNING PREGNANCY

Question: **Can a woman be removed from her current assignments against her will? For example, when she finds she is pregnant, does the department have the right to arbitrarily remove her from patrol?**

Answer: A woman who is pregnant cannot arbitrarily be removed from her assignment, including a patrol assignment, against her will if she is able to satisfactorily perform the assignment. Transferring a women based on stereotypical ideas about pregnant women's abilities is prohibited. The employer may take into account an employee's medical condition, her abilities, the demands of her job, and the safety of the public in assessing fitness for duty. However, so long as a pregnant police officer remains willing and able to do her job in a satisfactory manner, she cannot be involuntarily transferred because of the employer's belief that it is protecting her or the health of her child. Title VII requires that such a transfer be based on an individual assessment of the officer's ability to perform her job satisfactorily.

Question: **Who decides when a women has to be transferred to a light duty assignment — her doctor or the police agency?**

Answer: Decisions about assignments, transfers, and leave may be made by the appropriate supervisory officials of the police agency. A police agency may have a procedure for requesting light duty assignments that requires employees to submit to a physical examination to identify any restrictions in their duties. However, pregnant employees should be treated in the same manner as all other similarly situated employees with respect to the application of such policies. If all employees requesting light duty assignments are required to submit to an evaluation by a police department's physician, then pregnant employees requesting light duty may also be required to do the same. If the agency permits this evaluation to be made by an employee's private physician, then pregnant employees applying for light duty may also use their own physician.

Note: Some employers have no light duty policies, and federal law does not require an employer to implement one for the benefit of employees with temporary disabilities, including pregnant employees.

Question: **Who decides when a woman should leave on disability — her doctor or the department?**

Answer: Again, pregnant employees should be treated in the same manner as all other employees who have temporary medical disabilities. If a pregnant employee requests disability leave, her request should be handled the same way the employer handles other temporary disability leave requests. If the employer's policy permits the submission of a personal physician's note in support of an application for disability leave, then pregnant employees may also submit such a note. If, on the other hand, the police agency requires those seeking temporary disability leave to submit to an examination by the department's physician, pregnant employees may be subjected to the same requirement.

Please note, however, that an employer may not require pregnant employees to take disability leave at any fixed time. If an employee wants to continue to work, and there is no medical reason she cannot perform her duties satisfactorily, it would be discrimination on the basis of sex to insist that she be involuntarily placed on disability leave.

Question: **When does she have to come back from leave?**

Answer: Employer policies may vary with respect to the permissible duration of temporary disability leave. Again, an employer should treat pregnant employees as least as well as similarly situated employees disabled for other reasons. Setting a specific time limit only for pregnancy-related disabilities is unlawful.

(Continued)

An employee disabled by pregnancy, childbirth, or a pregnancy-related condition may return to work as soon as she is medically able to perform her job in a satisfactory manner. An employer cannot require a woman to remain off work for any fixed period after giving birth if the woman is able to resume her duties. An employer may require medical clearance for the employee only to the same extent and manner the employer requires such clearance for non-pregnant employees seeking to return from temporary medical disability leave.

An employer may place limitations on disability leave as long as those limitations apply to employees without regard to the pregnancy-related nature of their disability. For example, the availability of paid sick leave may be limited for all employees with little seniority.

Rules that severely limit the availability of leave to all disabled employees may, however, be challenged as discrimination on the basis of sex if it can be demonstrated that women, or women disabled by a pregnancy-related disability, are more severely impacted than men. If that is the case, the employer may only maintain such a policy if it can establish that the policy is required by business necessity.

An employee's desire to take leave to care for her child after her own physical disability ends does not constitute medical disability leave. An employee, male or female, may be entitled to additional leave to care for a newborn child. Many employers permit leave for childcare or other non-disability-related reasons. Employers should treat all employees equally with regard to this leave. Leave should not be limited based on an employee's sex or because the employee has taken sick leave or other leave for a pregnancy-related disability. An employer cannot condition granting a child care leave to a women on the condition that she forgo use of otherwise available paid sick leave for any period of her pregnancy disability.

The Family and Medical Leave Act of 1993 provides that all public employers are required to give eligible employees up to 12 weeks of unpaid leave in a 12-month period to care for a newly adopted or foster child, newborn child, seriously ill child, spouse or parent, as well as for an employee's own illness. To be eligible, an employee should have been employed for at least 1 year and have worked a minimum of 1,250 hours in the 12 months before the leave is taken. The Act contains other requirements and conditions for the use of such leave. The Act is enforced by the U.S. Department of Labor.

Question: **How should women who have taken leave for pregnancy-related disabilities be treated with regard to accrual of seniority or assessments of their attendance?**
Answer: An employee absent because of childbirth or other pregnancy-related disability should be treated the same as other employees absent for non-pregnancy related temporary disabilities. An employer's policy should not deprive a women of seniority credit, time-in grade, accrued retirement benefits, or other benefits for a pregnancy-related disability leave unless it denies such benefits to those taking temporary disability leaves for other reasons as well. State laws or collective bargaining agreements may require that part or all of the period of disability be credited for seniority purposes.

For additional information see EEOC Questions and Answers on the Pregnancy Discrimination Act, Volume 29, Code of Federal Regulations, Section 1604.

Appendix H

IACP National Law Enforcement Policy Center Temporary Light Duty Concepts and Issues Paper

The following is excerpted from IACP National Law Enforcement Policy Center Temporary Light Duty Concepts and Issues Paper, October 1, 1996.

Today, many agencies have developed policies that provide for placing personnel in limited-duty assignments during the advanced stages of pregnancy. These provisions may be found in the light-duty policy itself, or may be included in a separate policy specifically addressing the issues of pregnancy and maternity leave. When a pregnant women officer requests light duty, the department should accommodate the request if possible. To this end, the applicable light-duty policy may make special provisions for pregnant officers.

(The Supreme Court has ruled that the Pregnancy Discrimination Act does not prohibit employment practices that favor pregnant women. See California Federal Savings and Loan Assoc. v. Guerra, 479 U.S. 272, 107 S. Ct. 683 (1987).)

A refusal to assign a pregnant employee to light duty upon the employee's request may render the department liable for substantial civil damages, especially if the unborn child later suffers harm attributable to the department's failure to take these precautions.

(See, e.g., Nash v. NYC Transit Authority, N.Y. Hum. Rts. Div. No E-577268-81E and E-OS-81007-82E. 26 G.E.R.R. (BRA) 1786 (10/21/88); New York City Transit Authority v. State Div. Of Human Rights, 163 A.D. 2d 315, 557 N.Y.S. 2d 160 (N.Y. A.D. 2 Dept. 1990), aff'd in relevant part, 573 N.Y. 2d 207, 573 N.Y.S. 2d 49 (N.Y. 1991) (public employer did not assign pregnant public employee light duty; employee suffered miscarriage; $450,000 damages awarded).

An even more difficult situation arises when the department desires to place the officer on light duty, but the officer objects. Today, such an involuntary assignment can probably be justified only if the department can establish that the officer is no longer medically capable of performing normal duties. For this reason, a policy that provides for placing a pregnant on light duty should ensure that the point in the pregnancy where the light-duty assignment is to be made is not to be determined arbitrarily. A policy that calls for automatic transfer to light duty at a specific stage in the pregnancy (e.g., "at the end of the sixth month of pregnancy") is vulnerable to legal challenge. Instead, the date transfer to light duty should be determined individually, based upon the physical condition of the individual officer concerned.

The date of transfer to light duty should be determined by medical personnel, not by the department. It should be established by a physician or other qualified practitioner, through medical examination and evaluation of the officer concerned. Most departmental maternity policies call for the pregnant officer to undergo a medical examination and to present to the department a certificate evidencing the officer's continued fitness for duty. This medical evaluation should be ongoing, so that the date when transfer to light duty becomes medically necessary can be accurately established. For this reason, many departmental policies require that medical certificates be presented on a continuing (usually monthly) basis, particularly during the later stages of the pregnancy. When the examining physician determines that the officer is no longer medically fit for field work, the officer should be transferred to light duty (if still physically fit for such duty) or go on leave. Again, the decision is a medical rather than a departmental one.

In the past, involuntary assignments to light duty have sometimes been defended on the grounds that the reassignment is necessary not only to protect the public, the department, and the mother, but also the unborn child. However the Supreme Court of the United States has held that an employer's concern for the protection of an unborn child is not a legally acceptable basis for barring a pregnant employee from a particular job assignment. *(Intl. U.A.W. v. Johnson Controls, Inc., 499 U.S. 187, 111 S. Ct. 1196, 1991).* Consequently, it is undesirable to base light-duty solely or even primarily upon considering the health of the fetus. This does not mean that the welfare of the unborn child should be disregarded; on the contrary, failing to consider the safety of the unborn child may in itself be the basis for later litigation. The policy may refer to the health of the unborn child as a factor for consideration, but this should not be the sole stated basis of any light-duty decision.

BUREAU OF POLICE

GENERAL ORDER

PORTLAND, OREGON

Published Date: July 31,1998 **SECTION NO. 344.00**

SUBJECT: **PROHIBITED DISCRIMINATION** NEW

INDEX: Title; Discrimination, Prohibited; Sexual Harassment Prohibited

REFER:
ORS 659.030 Oregon Civil Rights Law
ORS 659.410 Application for Workers Compensation Benefits
ORS 659.425 Mental or Physical Handicap
ORS 810.410 Arrest and Citation
City Code 4.01.050 Fair Treatment of Applicants and Employees
City Code Chapter 23.01 Civil Rights
G.O. 341.00 Disciplinary Process
Appendix A March 12, 1992 Joint Statement Concerning Sexual Harassment (PPA and PPB)

Unless problems are identified, this order becomes effective on August 31, 1998.

NOTE: THIS GENERAL ORDER IS NEW (REPI-ACES G.O. 320.00) AND SHOULD BE READ IN ITS ENTIRETY

PURPOSE

This order establishes Bureau policy with respect to prohibited discrimination and harassment.

DEFINITIONS

Discrimination: Unequal or different treatment of an individual based upon that individual's status in a protected class, unless the action is required as part of a bonafide occupational requirement.

Prohibited discrimination under this General Order is any form of discrimination prohibited under federal or state law or regulation or under a City of Portland ordinance.

Membership in any of the following would be considered membership in a protected class for purposes of this General Order: race, color, religion, gender, national origin, age, marital status, sexual orientation, mental or physical disability or source of income.

Harassment: Verbal or physical conduct that denigrates or shows hostility towards an individual because of his/her membership in a protected class as defined above.
Harassment is a form of prohibited discrimination where it:

(Continued)

PROHIBITED DISCRIMINATION **G.O. 344.00**
Page 2

A. Has the purpose or effect of creating a hostile, intimidating or offensive working environment; or

B. Has the purpose or effect of unreasonably interfering with an individual's work performance; or

C. Otherwise substantially and adversely affects an individual's employment opportunity.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other sexually oriented verbal or physical conduct constitute sexual harassment where:

A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or

B. Submission to or rejection of such conduct is used as a basis for employment decisions affecting such individual; or

C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or

D. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

Epithet or Slur: As used in this General Order, a word or combination of words that denigrate or show hostility towards an individual because of his/her membership in a protected class, as defined above, or because of his/her association with members of a protected class.

POLICY

A. All members of the Portland Police Bureau shall be treated with respect and dignity, and shall strive to maintain an environment free from discrimination and harassment.

B. It is a goal of the Police Bureau to remove barriers which cause discrimination. The provisions of this General Order establish procedures and open channels for registering complaints of discrimination and harassment. Members who believe they are victims of, or are witnesses to, any form of discrimination or harassment, are urged to report the incident or file a complaint.

C. It is the policy of the Portland Police Bureau that members will not engage in prohibited discrimination on the basis of race, color, religion, gender, national origin, age, marital status, sexual orientation, mental or physical disability, or source of income in the delivery of services or in the treatment of any citizen.

(Continued)

PROHIBITED DISCRIMINATION **G.O. 344.00**
Page 3

Members will not sexually harass any citizen or engage in any conduct prohibited by this General Order in the delivery of services to the public.

D. Members are prohibited from the stopping, detention and search of persons under ORS 810.410 when the action is motivated by the officer's perception of the person's race, color, sex or national origin and when the action would constitute a violation of the person's civil rights.

E. Violations of the Bureau's policy on prohibited discrimination and/or harassment constitute extremely serious misconduct which will result in strong disciplinary action, up to and including discharge.

TYPES OF PROHIBITED DISCRIMINATION / HARASSMENT

A. Verbal or Physical Conduct (in addition to conduct prohibited in the Definition section of this General Order):

1. Willful or negligent use of epithets or slurs against any person on the basis of membership in a protected class.

2. Jokes, pranks and roll-call banter may be prohibited if this type of verbal behavior tends to denigrate or show hostility towards an individual or group because of membership in a protected class.

3. Unwelcome physical touching or contact.

B. Written or Graphic Material: Material that denigrates or shows hostility or aversion towards an individual or group because of protected class status and is placed in the employer's premises or circulated in the workplace is prohibited by this policy.

C. Retaliation: Regardless of rank, no member may retaliate or threaten to retaliate against an applicant or bureau member on the basis that he/she:

1. Complained of discrimination and/or harassment.

2. Testified on behalf of and/or in support of a person who complained, or is the subject of a complaint, of discrimination or harassment.

3. Advised any applicant or member, or assisted, or participated, in any investigation, proceeding, or hearing concerning a person who complained of discrimination and/or harassment.

(Continued)

PROCEDURE

MEMBERS' RESPONSIBILITIES

Members shall not engage in discrimination or harassment. Members shall not engage in verbal or physical conduct in violation of this General Order or threaten or engage in retaliation or other unlawful harassment. Members are encouraged to report suspected violations of this General Order.

SUPERVISOR'S RESPONSIBILITIES

A. Each supervisor is responsible for enforcing this General Order. Where a supervisor knows or has reason to know, because of his/her job duties, of unwanted or prohibited discrimination or harassment that has or is occurring, he/she must take immediate action. Tacit approval of discrimination and/or harassment by, for example, laughing and treating a situation as a joke, failing to take action or advising members not to complain until their probationary period has ended is not acceptable.

B. All supervisors are responsible for maintaining a non-hostile work environment. It is each supervisor's job to intervene immediately to ensure that conduct which is discriminatory or harassing ceases and is not condoned.

C. Supervisors must remove notes, comments, posters and other materials on walls, bulletin boards or elsewhere in the workplace that show hostility toward an individual or group because of membership in a protected class. It is the supervisor's responsibility to educate members about the impropriety of these items as well as the inappropriateness of jokes, slurs or other negative verbal comments based on an individuals membership in a protected class.

D. If a supervisor receives a complaint from a victim or a witness of discriminatory treatment that is outlined in this General Order, the supervisor will report the complaint on a memorandum, including any action taken, through channels, to the supervisor's branch assistant chief.

E. If there is no complaint made, but a supervisor takes action related to acts of discrimination or harassment prohibited by this General Order, the supervisor will document actions taken in a memorandum to his/her RU manager.

COMPLAINT PROCESSING AND INVESTIGATION

A. Complaints may be submitted verbally or in writing and a complainant may also include a suggested method of resolution.

B. A violation of this General Order may be reported to:

1. Any supervisor within or outside the chain of command

2. Directly to the Personnel Division, Internal Affairs Division or Chief s Office

3. Directly to the City's Affirmative Action Office.

C. The Internal Affairs Division shall be responsible for insuring that all complaints are thoroughly investigated, and shall assign the complaint for investigation.

D. All complaints will be investigated in a timely manner and information obtained will be kept as confidential as is possible. Complaints will be investigated pursuant to established Discrimination/Unlawful Employment Practices Investigation Protocols as established by the Internal Affairs S.O.P. and the City Attorney's Office.

E. The complainant and accused shall be notified of the results of the investigation and action taken, if any.

F. Once the investigation is completed the original investigative files will be stored in the Personnel Division in accordance with City Archive Guidelines.

Nothing in this general order shall be interpreted to restrict a member's rights under federal, state and local laws or to file a complaint with the Bureau of Labor & Industries or the Equal Employment Opportunity Commission.

Charles A. Moose
CHARLES A. MOOSE, Ph.D.
Chief of Police

CAM/DWT/ gj
ORIGINATOR: Chiefs Office

(Continued)

APPENDIX A
G.O. 344.00
07/98

NOTICE TO ALL EMPLOYEES
JOINT STATEMENT CONCERNING SEXUAL HARASSMENT
MARCH 12, 1992

1. The Bureau of Police and the Portland Police Association affirm that it is of the utmost importance to the Bureau to establish and maintain a work environment that is free from sexual harassment of any form. It further is the goal of the Bureau and of the Association to ensure that the work environment is a positive one in which all members can perform their duties without being subjected to sexual harassment, other unlawful discrimination or retaliation for bringing forward complaints regarding such unlawful actions.

2. A workplace in which sexual harassment occurs is not a productive environment. The Association and the Bureau agree that sexual harassment disrupts a close, cooperative work environment, which is crucial to top performance. The Bureau and the Association also acknowledge the terrible cost of sexual harassment in the workplace including the negative effect on the victim's work performance, the loss of a productive employee, and the negative effect on employee morale overall.

3. The Bureau will not tolerate sexual harassment of employees by anyone, including supervisors and co-workers. All employees are encouraged to bring forth any complaint of sexual harassment. We will insure that the complaint is thoroughly investigated. No employee will be discriminated or retaliated against in any way for bringing a question or complaint to our attention.

4. Any violation of the prohibitions against sexual harassment, as defined by federal and state laws, City Ordinance No. 3.100.005, City Resolution No. 33741, and Police Bureau Manual of Rules and Procedures, Section 310.90 (and any subsequent revisions), is considered by the Bureau and recognized by the Association to constitute extremely serious misconduct. Employees found to have engaged in sexual harassment will be subject to strong disciplinary action, including termination.

Chief Tom Potter
Portland Police Bureau

Roger Morse
President
Portland Police Association

(Continued)

BUREAU OF POLICE

GENERAL ORDER

PORTLAND. OREGON

PUBLISHED DATE: July 12,1999 **SECTION NO. 310.20**

SUBJECT: **RETALIATION PROHIBITED** NEW

INDEX: Title

REFER: G.O. 344.00 Prohibited Discrimination

Unless problems are identified, this order becomes effective on August 12, 1999.

NOTE: THIS GENERAL ORDER IS NEW AND SHOULD BE READ IN ITS ENTIRETY

POLICY

In order to ensure all Police Bureau employees the opportunity to perform their duties to their fullest potential, it is essential that a supportive working environment be maintained. This environment must be free from fear of retaliation in any manner. Retaliation may occur for such reasons as, but not limited to:

A. Reporting misconduct

B. Testifying against a fellow Bureau member

C. Testifying at a criminal or civil trial

In order to maintain community credibility it is essential that citizens do not fear retaliation by Bureau members. Retaliation may occur for such reasons as, but not limited to:

A. Demonstrating one's constitutional rights

B. Reporting misconduct

C. Questioning the legality of a Bureau member's actions

D. Asking for a Bureau member's name and/or DPSST number

All members shall refrain from any acts of retaliation. These acts include, but are not limited to:

A. Refusal to provide backup or support

B. Creation of a hostile work environment

C. Intimidation or ridicule

(Continued)

RETALIATION PROHIBITED

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D. Inappropriate jokes, remarks or gestures

All Bureau members have a responsibility for promoting a retaliation-free work environment. In addition, supervisors have the responsibility of ensuring that all employees are informed of the seriousness of retaliation and its consequences.

CHARLES A. MOOSE, Ph.D.
Chief of Police

CAM/BAW/gj
ORIGINATOR: Chief's Office

Letter from the Federal Trade Commission Regarding the Federal Trade Commission Fair Credit Reporting Act

United States of America
Federal Trade Commission
Washington, D.C. 20580

March 31, 2000

The Honorable Pete Sessions
United States House of Representatives
Washington, DC 20515

Dear Congressman Sessions:

The Commission is responding to your request for the Commission's comments on H.R. 3408, the "Fair Credit Reporting Amendments Act of 1999," legislation you introduced to amend the Fair Credit Reporting Act ("FCRA" or "Act") to exempt certain workplace investigations from the Act. The Commission shares your concern that the FCRA should not unduly hinder workplace investigations that are intended to foster employee protections or halt illegal activity. To that end, the Commission agrees that prudent amendments to the FCRA are desirable to remove specifically those FCRA procedural requirements that constitute potential impediments to workplace investigations conducted for employers by outside entities. The Commission believes, however, that other provisions of the FCRA, as they apply to workplace investigations by third parties, provide important rights for individuals who are accused of improprieties without hindering the ability of employers to utilize outside entities to conduct such investigations. We believe that amendments to the FCRA should strike a balance between the need to facilitate efficient, timely investigations and the need to retain basic safeguards for targeted employees.

As you know, the FCRA has been in effect for nearly thirty years and has, since its inception, applied to the collection and use of certain information for employment purposes. The Congressional statement of purpose notes that the objectives of the FCRA include the requirement "that consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, *personnel*, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information. . . ." (Section 602 (b) of the FCRA, 15 U.S.C. § 1681; emphasis added).

In 1996, Congress adopted wide-ranging amendments to the FCRA (P.L. 104-208). These changes, which became effective September 30, 1997, included substantial new requirements on users of consumer reports for employment purposes. "Employment purposes" is a term defined by Congress in the FCRA and is quite broad in its reach, encompassing personnel actions beyond the initial employment decision.[1] Similarly, the FCRA definitions of "consumer report" and "consumer reporting agency" are expansive and thus apply to a variety of reports utilizing information for a number of purposes, including employment purposes.[2]

In the employment context, an outside entity (such as a private investigator or law firm) that regularly conducts investigations of alleged workplace misconduct by employees is

(Continued)

very likely a "consumer reporting agency" and the report it makes to an employer is likely to be a "consumer report" within the meaning of the FCRA. Indeed, such investigations typically include interviews at the workplace, and the resultant report is thus an "investigative consumer report."[3] Additional FCRA protections apply for investigative consumer reports, including notice to the consumer that an investigative consumer report may be obtained.[4]

For any consumer report used for employment purposes, the 1996 amendments added requirements that an employer notify the consumer that a consumer report may be obtained for employment purposes, and obtain from the consumer written authorization for the procurement of the report by the employer. (Sections 604(b)(2)(A)(i) and (ii), 15 U.S.C. §§ 1681b(b)(2)(A)(i) and (ii).) Additionally, before taking any "adverse action"[5] based in whole or in part on information from a consumer report, the employer must provide to the consumer to whom the report relates a copy of the report and a written description of the consumer's FCRA rights (*e.g.*, to dispute inaccuracies in the report with the consumer reporting agency). (Sections 604(b)(3)(A)(i) and (ii), 15 U.S.C. §§ 1681b(b)(3)(A)(i) and (ii).)

With respect to investigative consumer reports, Congress made one key change in the 1996 amendments relevant to investigations of workplace misconduct. Prior to the 1996 amendments, an employer would not have had to notify an employee that an investigative consumer report may be obtained for workplace misconduct investigations, because the general notice requirement contained an exemption if the "report is to be used for employment purposes for which the consumer has not specifically applied." In the 1996 amendments, this exemption was *removed* by Congress at the same time that it added other requirements (such as disclosure and authorization) for users of all consumer reports for employment purposes.[6] The 1996 amendments therefore substantially increased the obligations on employers using consumer reports, and particularly investigative consumer reports to investigate workplace misconduct.

However, as your letter describes -- and the Commission fully appreciates -- the need for prompt, credible investigations of workplace misconduct is critical in a wide variety of employment settings. Often, the circumstances of the conduct or the needs of the employer compel or encourage investigations by outside entities. Indeed, federal and other laws and regulations require or strongly endorse such investigations, and the Commission recognizes the policy tension between the need for timely, impartial investigations and certain procedural requirements of the FCRA. Your letter identifies the new FCRA procedural provisions that are potentially most burdensome in the context of such investigations; the Commission agrees that legislation to relieve an employer of those enumerated requirements is warranted. We also believe, however, that further changes to the FCRA must retain a meaningful level of protection for individual employees who are the subject of a workplace investigation by an outside entity. To that end, the Commission believes that the best method of achieving the appropriate balance is a statutory exemption from the specific procedural requirements rather than a broader exclusion for all employee investigations.

In assessing this issue, the Commission finds significant that FCRA safeguards for the consumer/employee who is the target of a workplace investigation have applied since the inception of the Act. These include requirements that consumer reporting agencies use reasonable procedures in the preparation of consumer reports; safeguards for accuracy

(Continued)

and accountability; and procedures for disclosure and dispute resolution *after* adverse action. Given the grave consequences of employment decisions for the individual consumer, these protections, in place for nearly thirty years, are not unrealistic or undue requirements for consumer reporting agencies involved in workplace investigations. The FCRA safeguards are an appropriate balance to the need for expeditious investigations of alleged workplace misconduct, especially for those workers who may be the target of unfounded or erroneous accusations.

Accordingly, the Commission respectfully recommends that H.R. 3408 not exempt workplace investigation reports from *all* coverage by the FCRA[7] but instead achieve its aim by an amendment targeted more precisely to the FCRA provisions that potentially hamper timely investigations and arguably "chill" the willingness of co-workers to cooperate in the investigation of a colleague for fear of identification. One method to achieve this end would be to amend the definition of "employment purposes" (Section 603(h) of the FCRA) to provide that, in cases in which a consumer report is obtained for the purpose of investigating allegations of illegal misconduct by an employee, compliance with Sections 604(b)(2)(A) and (3)(A) and 606(a), (b), (c) and (d)(1) is not required. In these cases, compliance with Section 609(a)(1) should also not be required, except that the consumer reporting agency should be required to disclose to the employee a summary containing the nature and substance of the information in the consumer's file at the time of the request.[8]

An approach of this kind would

- remove the requirements that, prior to procuring a consumer report, the employer must disclose to the employee under investigation that a consumer report will be obtained and obtain the written authorization of the employee to procure the report. (The target of a sensitive investigation will not be alerted to the investigation nor have an opportunity to thwart the use of a third-party investigator by refusing authorization.)

- remove the requirements that, prior to taking adverse action based in whole or in part on a consumer report, the employer must provide to the consumer a copy of the consumer report and a written description of the consumer's rights under the FCRA. (An employer will be able to fire or otherwise discipline an employee without giving them, prior to the action, a copy of the consumer report.)

- remove the requirements that apply to investigative consumer reports, including notification of preparation of a report and notice of the consumer's right to request disclosure of the nature and scope of the investigation.

- remove the requirement that a consumer reporting agency that prepares an investigative consumer report must, upon request, disclose to the consumer *all* information in the consumer's file. Instead, for investigative consumer reports, the consumer reporting agency would be required to disclose the "nature and substance" of the information in the consumer's file.

This approach leaves in place (among other provisions of the Act) Section 615 of the FCRA, which requires an employer who takes adverse action against an employee based in whole or in part on any information in a consumer report to provide to the employee

(Continued)

the name and other identifying information about the consumer reporting agency, and notice of the consumer's rights to obtain a summary of the nature and substance of the report and to dispute the accuracy of the information in the report. These actions would take place *after* the employer's action against the employee, thus removing the potential impediments to the investigation itself.

The Commission is aware of federal and other requirements that certain workplace misconduct investigations be referred to criminal authorities for further investigation. When a consumer report has figured both in the employer's decision to refer an investigation for criminal consideration and the employer's determination to take adverse action with respect to an employee, the FCRA should make some provision for deferring the adverse action notice otherwise required by Section 615. A useful analog for such an approach is provided by the "delayed notice" provisions of the Right to Financial Privacy Act, 12 U.S.C. § 3409, which provide that a consumer notice required by the RFPA may be delayed by order of an appropriate court if the court makes certain findings, including that providing the notice might result in flight from prosecution, destruction of evidence, intimidation of witnesses, or other serious jeopardy to the investigation.

Congress may wish to consider other safeguards in connection with workplace investigations and the FCRA. Specifically, to deter abuse of the exemption from various disclosure and other requirements that we recommend above, it may be useful to require further certification under Section 607(a) of the Act when a consumer report is sought in connection with an investigation of workplace misconduct. For example, before an employer could take advantage of statutory exemptions, an employer should certify to the CRA preparing the consumer report that the report is being sought in good faith and for the specific purposes of the statutory exemptions.

In sum, the Commission supports provisions that address demonstrated impediments to conducting investigations without hampering the rights of an accused employee. The Commission agrees that the 1996 amendments to the Fair Credit Reporting Act have resulted in unanticipated conflicts between the aims of the Act and the public policy favoring prompt, objective investigations of workplace misconduct. We strongly endorse a targeted amendment tailored to those specific provisions of the Act that may genuinely impede workplace investigations by third parties. We do not believe that a blanket exemption from the entirety of the FCRA is warranted for such investigations. Because accused employees should still be protected through the FCRA's reasonable procedures and accuracy safeguards, an approach such as that suggested in this letter would strike the appropriate balance.

By direction of the Commission.

Robert Pitofsky
Chairman

(Continued)

Endnotes

1. "The term 'employment purposes' when used in connection with a consumer report means a report used for...evaluating a consumer for employment, promotion, reassignment or retention as an employee." Section 603(h), 15 U.S.C. § 1681a(h).

2. A "consumer report" means "any...communication of any information by a consumer reporting agency bearing on a consumer's...character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for...employment purposes...". (Section 603(d) of the Act, 15 U.S.C. § 1681a(d).) A "consumer reporting agency" ("CRA") is defined by the Act to include any person which, for monetary fees, "assembles or evaluates" credit information or other information on consumers for the purpose of regularly furnishing consumer reports to third parties using any means or facility of interstate commerce. (Section 603(f) of the FCRA, 15 U.S.C. § 1681a(f).)

3. The FCRA has defined an "investigative consumer report" as a consumer report "in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information." The definition of an "investigative consumer report" has remained unchanged since the enactment of the FCRA in 1970. (Section 603(f) of the FCRA, 15 U.S.C. § 1681a(f).)

4. Section 606 of the FCRA provides that a person may not procure an investigative consumer report on a consumer unless, within three days of first requesting the report, the user discloses to the consumer that "an investigative consumer report including information as to his character, general reputation, personal characteristics and mode of living, whichever are applicable, may be made" and informs the consumer of his right to request additional disclosures of the "nature and scope" of the investigation requested. (15 U.S.C. §§ 1681d(a) and (b).)

5. "Adverse action" is defined in the FCRA to include "a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee...". (Section 603(k)(1)(B)(ii), 15 U.S.C. § 1681a(k)(1)(B)(ii).)

6. Congress also changed the language of Section 609(a)(1) of the Act, which now requires CRAs to disclose to a consumer, upon request, *all* information in the consumer's file (except risk scores). 15 U.S.C. § 1681g(a)(1). Previously, CRAs had been required by the FCRA to disclose only the "nature and substance" of information in the consumer's file. Section 609(a)(2), which provides that a CRA does *not* have to disclose *sources* of information acquired solely for use in preparing an investigative consumer report, remained unchanged in the 1996 amendments. However, in the context of workplace investigations, the significance of the "all information" disclosure change in 609(a)(1) means that specific information will be divulged that could permit an employee to infer the identity of interviewees and other sources, *e.g.*, among a targeted employee's co-workers.

7. The exemption is achieved by H.R. 3408 Section 2(a)'s proposed amendment to FCRA Section 603(d)(2)(A). We note, however, that Section 2(b) of H.R. 3408 appears inconsistent with Section 2(a).

8. The "nature and substance" of the report should allow the affected consumer to obtain a degree of meaningful, genuine disclosure of the information that served as the basis for the adverse decision. Although such disclosure need not be so specific that it could be used to identify witnesses (with consequent risk of retaliation) or otherwise inhibit the ability of an outside party to collect the information necessary for a valid workplace investigation, we do not believe that generalized or conclusory statements would constitute a good-faith disclosure of the nature and substance of a report.

SHERIFF'S DEPARTMENT **COUNTY OF SACRAMENTO**

GENERAL ORDER

PROFESSIONAL RESPONSIBILITY

THE PURPOSE OF THIS GENERAL ORDER IS TO PROMOTE THE HIGHEST POSSIBLE STANDARD OF HONESTY AND ETHICS IN PROFESSIONAL CONDUCT. ALL DEPARTMENT MEMBERS, WHETHER SWORN, NON-SWORN, PAID OR NON-PAID, SHALL CONFORM WITH THE PROVISIONS CONTAINED HEREIN.

1. Policy

   1. Truthfulness Policy

      Members shall be truthful in all matters relating to their duties. Members shall not make false statements in testimony, written reports, or other official documents, or when questioned or interviewed.

   2. Refusal To Make Statements And/Or Making False Statements During Departmental Administrative Investigations

      If requested to make a statement in the course of an official Department Administrative Investigation, members shall make full and complete statements.

      Refusal to make statements, or making false statements during Departmental Administrative Investigations will result in disciplinary action, regardless of the ultimate disposition of the underlying charges or allegations.

   3. Cooperation During Criminal Investigation

      Members of this Department may be ordered to cooperate with other agencies and units of this Department that are involved in criminal investigations. If a member who is a witness fails to comply with such order, the member may be administratively charged with insubordination. If a member asserts a fifth amendment right to remain silent, an administrative investigation will focus on that member as a suspect in the underlying charges.

4. Internal Investigations By Other Law Enforcement Agencies

Department members shall cooperate with other law enforcement agencies conducting internal investigations. If any person conducting an internal investigation for another law enforcement agency requests an interview with a member of this Department, the request must be directed to the commander of Internal Affairs. All members interviewed by internal affairs investigators from other law enforcement agencies shall make full, complete, and truthful statements.

5. Obstructing An Investigation

Members shall not take any action which would interfere with, delay, obstruct, distort or unduly influence any official investigation, criminal, civil, or administrative, conducted by this Department or any other government agency.

Any member who knowingly gives false evidence, withholds evidence, or interferes in any way, during such an investigation, or requests or encourages another to do so, shall be deemed to have obstructed the investigation.

6. Tampering With Evidence

Members shall not fabricate, withhold or destroy evidence of any kind.

Appendix L

Gainesville Police Department Policy on Internal Investigations

Gainesville Police Department
General Order 26.5

Title: Disciplinary System and Investigative Process

General Order: 26.5

Effective: 06/20/99

Revised: 6/20/99

Rescinds: 26.5 (7/1/98)

Accreditation Standards: 26.1.4, 26.1.5, 26.1.6, 26.1.7, 26.1.8, 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.1.5, 52.1.6, 52.1.7, 52.1.8, 52.1.9, 52.1.10, 52.1.11, 52.1.12.

Pages: 19

A. Purpose: This Order establishes a disciplinary system.

B. Policy: The Gainesville Police Department shall institute a fair and effective disciplinary system, the aim of which is to improve employee competency, productivity, and effectiveness. [CALEA 26.1.4]

C. Definition:

1. **Complaint:**

a. An allegation against a Department member detailing circumstances and behaviors regarding a specific act or omission that, if proven, would amount to employee misconduct.

b. An expression of dissatisfaction with a policy, procedure, practice, philosophy, service level, or legal standard of the Department is not a complaint.

2. **Corrective Action:** For the purpose of this Order, corrective action is defined as any action or conduct which encourages, prompts, or compels an individual to adhere to Departmental orders, directives, and procedures.

a. Corrective Action includes counseling, training, and punitive (disciplinary) action.

3. **Venting:** An expression of dissatisfaction with an employee that, even if true, would not be considered misconduct. (For example, a person "complaining" that he is not guilty of the charges for which he was arrested does not constitute a charge of misconduct, unless there are indications that the member was rude, did not follow established procedures, or otherwise acted improperly.)

4. **Misconduct:** Misconduct is defined as an act or omission by an employee that, if proven true, would normally result in some form of corrective action. This would include:

a. Commission of an unlawful act;

b. Neglect of duty;

c. Violation of any City or Department policy, procedure, rule, regulation, or training procedure; or

d. Conduct that may adversely affect the reputation of the Police Department or its employees.

5. **Preliminary Inquiry:** A process undertaken prior to the initiation of a Personnel Complaint investigation. Upon observing an incident, obtaining information, or receiving a non-credible complaint, or a complaint of a minor nature, a preliminary inquiry will be conducted to determine the basis of the allegations and to explore an early resolution to the complaint. This may occur at the supervisory level or through Internal Affairs, depending on the nature of the information or complaint.

a. Preliminary inquires will be recorded on an *Administrative Investigation Referral (A.I.R.) Form*.

6. **Serious Complaint:** Allegation of misconduct that, if true, would constitute a major offense, or otherwise be of such a nature as to warrant initial review by Internal Affairs.

D. Procedure: To ensure that members adhere to policies and procedures, the Department shall maintain a system of making inquiries, reporting and investigating complaints, and providing for corrective action, when warranted, in the form of counseling, training, or punitive action. [CALEA 26.1.4]

1. **Authority:** The Internal Affairs Unit, in implementing this Order, shall be responsible for monitoring, managing, directing, and conducting (or delegating) misconduct investigations. [CALEA 52.1.2]

a. Internal Affairs operates under the control of, and shall report directly to, the Office of the Chief.

2. **Complaint:**

a. **Internal:** Any supervisor, or any other Departmental employee, who has good reason to believe that a Department member is significantly deficient in any policy or procedural area or has violated any policy, procedure, or rule(s) of conduct (whether on or off-duty) shall bring the concern to the offending member's supervisor or to Internal Affairs Unit personnel.

b. **External:** Any Department member who receives a complaint against a member from a citizen or other outside source, shall immediately refer the complainant to a supervisor (which is defined as sergeant or above) or the Internal Affairs Unit.

c. **Vehicle Crashes:** The severity of the crash shall determine whether a supervisor or the Internal Affairs Unit investigates the complaint (see section 9).

3. **Reporting Procedures:**

a. **During Internal Affairs Hours (Monday through Friday, 8:00 – 5:00):** Complaints may either be received by a supervisor or referred to Internal Affairs.

b. **After Internal Affairs Hours:** If the complaint is received after Internal Affairs' working hours, the supervisor shall conduct the preliminary investigation.

c. **Special Circumstances:** If a complaint involves the use of deadly force or the arrest of a sworn department member (whether during or after hours), the Internal Affairs Unit representative shall be notified immediately to make a determination how to handle the complaint.

1) When such a complaint occurs after hours, the on-call internal affairs investigator shall be notified to make a determination

(Continued)

whether to respond or refer the complaint to an on-duty supervisor.

4. **Preliminary Inquiry**: The supervisor who observes a behavior or an incident or who receives a complaint shall conduct a preliminary inquiry to determine if the observed behavior or allegation constitutes an act of misconduct. [52.1.1 a]

a. **Minor Complaints**:

1) Supervisors should conduct an inquiry into the allegations of a minor nature for the purpose of establishing a record, determining the validity of a complaint, determining whether it can be resolved at a supervisory level, and determining whether or not to continue the investigation.

2) Supervisors are encouraged to conduct an inquiry into minor complaints in an attempt to resolve minor disagreements or misunderstandings, prior to referring the matter to Internal Affairs.

b. **Resolved**: Complaints alleging misconduct of a minor nature may be considered resolved only after a complete inquiry has been conducted and:

1) No disciplinary action beyond a written warning is warranted against the employee, and

2) The complainant has been contacted and notified of the outcome of the inquiry.

c. **Unresolved**: A preliminary inquiry will be considered not resolved when:

1) The allegation is serious or criminal in nature, or

2) Disciplinary action of more than a written warning against the employee is anticipated if the allegation is sustained, or

3) Information has been received which indicates an internal affairs investigation is warranted.

d. **Referral**: Complaints not resolved by a preliminary inquiry should be halted and referred to Internal Affairs for investigative assignment.

e. **No Misconduct**: When an allegation is determined to not constitute misconduct, the supervisor shall explain the related Department policy or procedure to the complainant and attempt to resolve the matter to the complainant's satisfaction, if possible.

1) Supervisors should maintain documentation reflecting their determinations and contacts with the complainant and forward such to the bureau commander.

f. **Venting**:

1) Supervisors shall attempt to deal with upset citizens by clearing up any misunderstandings.

2) Where the complainant is only "venting," an IOC may be used when documentation is desired. If an IOC is used, it is to note "Venting" clearly on it.

3) Any documenting of venting will be for inclusion in the bureau file only.

4) "Venting" by citizens is not grounds for disciplinary action, but repeated occurrences of this nature may indicate a need for coaching or training.

g. **Misconduct**: When an allegation appears to constitute misconduct, the supervisor shall conduct an inquiry and, if appropriate, resolve the matter at the preliminary inquiry stage or initiate a *Personnel Complaint* investigation.

1) Supervisors are encouraged to handle minor, non-reoccurring misconduct on a bureau level through the use of a preliminary inquiry without initiating a Personnel Complaint investigation, but the incident should be documented (via A.I.R.) and forwarded to the Bureau Commander.

a) Supervisors shall be held accountable for their decisions regarding matters not forwarded to Internal Affairs for investigation.**

2) Resolution of minor complaints via verbal counseling or similar corrective action shall be documented and forwarded to the Bureau Commander by the investigating supervisor. Copies of written warnings shall be forwarded to the Bureau Commander by the investigating supervisor. On a weekly basis the Bureau Commander shall furnish copies of the above documentation to Internal Affairs.

3) Non-grievable corrective actions, or determinations of no misconduct, may be reconsidered and rescinded by the Chief of Police within 30 days after the documentation of the determination or corrective action is forwarded to the Internal Affairs Commander.

5. **Emergency Suspension**: Bureau, division, and shift commanders have the authority to impose an emergency suspension until the next business day (or longer if the suspension falls on a weekend or holiday) against a member when it appears that such action is in the best interest of the Department. [CALEA 52.1.8]

a. Suspended members shall have no police authority during the time of the suspension and shall be required to submit the departmental police badge(s), identification, issued weapons, and vehicle (if issued) to the suspending commander.

b. The suspending commander shall document emergency suspensions.

c. A member who has been suspended shall report to the Office of the Chief as directed by the suspending authority.

1) The suspending commander shall also report to the Chief's Office at that same time.

d. The Chief of Police shall make a decision whether to extend the suspension and whether or not it shall be with or without pay.

6. **Administrative Duty**: The Chief of Police may place an employee on administrative duty, or relieve an employee from duty with pay, during an investigation when: [CALEA 52.1.8]

a. Evaluating a physical or psychological fitness for duty.

b. Investigating an allegation of a criminal nature.

c. Investigating an allegation of a policy violation for which dismissal is a penalty.

(Continued)

d. It has been determined that the employee would interfere with the investigation.

e. The on-duty status of the employee would result in damage to property or be detrimental to the best interest of the Department.

f. There is a possibility of injury to the employee, a fellow employee, or other individual.

g. There has been use of deadly force.

7. **Written Report:**

a. If a complaint is resolved by a preliminary inquiry, the result will be documented as an inquiry.

b. If a complaint involves an allegation that, if true, would constitute matters other than those of a minor non-reoccurring nature, the result will be shall be recorded as a Personnel Complaint.

1) The Personnel Complaint and any information obtained during the preliminary inquiry shall be forwarded to internal affairs (via *A.I.R.*) for review and investigative assignment.

6. **Processing Complaints:**

a. **Assessment:** The Internal Affairs Unit will review the *Personnel Complaint* to determine the nature and seriousness of the complaint for the purpose of assigning the investigation. [CALEA 52.1.1.c]

1) **Anonymous Complainants:**

a) Anonymous complaints shall be investigated only verbally and preliminarily, unless and until some corroborating evidence is found. Generally, no action will be taken on anonymous complaints unless:

(1) The person is willing to submit a signed written statement.

(2) The allegation would constitute criminal misconduct or be of a serious nature.

(3) There is independent evidence available, such as department records, which may be used to corroborate the charge.

b) An officer shall not be required to respond in writing to an anonymous complaint of a non-criminal nature concerning an officer's alleged conduct toward a citizen when the complaint is made solely by the respective citizen.

c) An anonymous complaint will be considered a resolved preliminary inquiry, if not covered under "1", "2", or "3" above.
d) All anonymous complaints will be documented via an *I.O.C.* or in the inquiry section of an *A.I.R.*

2) **Unsigned Complaints:** Written complaints that are unsigned will be treated as anonymous complaints.

3) **Non-Credible Complaints:** Occasionally, a complaint of a serious nature is made which, on its face, is determined not to be credible. In that circumstance, and only with the approval of the Internal Affairs Commander and the Chief, no Administrative Investigative Report Form and no inquiry or investigation is necessary and no IA number will be assigned.

4) **Chronic Complainants:** A person who has filed three or more unfounded or not sustained complaints within one year is considered a chronic complainant.

a) Upon a fourth unfounded or not-sustained allegation, subsequent complaints for the next 18 months shall be treated as follows:

(1) The allegation will be reviewed by Internal Affairs personnel and the Chief.

(2) The allegation shall be subject to a preliminary investigation, as dictated by the nature of the complaint.

(3) Records associated with persons identified as chronic complainants shall be stored in a separate file under the complainant's name.

b. **Assignment:** If a personnel complaint warrants investigation, the Internal Affairs Commander shall issue an IA number and assign the case to either a supervisor of the member or an internal affairs investigator. [CALEA 26.1.5]

1) **Assignment Criteria:** The decision regarding where the case will be assigned for investigation shall be based primarily on the seriousness or complexity of the case, and the disciplinary history of the accused member. [CALEA 52.1.1.a, b]

9. **Vehicle Crashes:**

a. Vehicle crash investigations shall be conducted by an involved members' supervisor, generally utilizing other agency investigations and findings (i.e., FHP) unless the vehicle crash involved allegations of an extreme violation, in which case internal affairs shall do the investigation. [52.1.1.a,b]

1) In either case, the investigating member (i.e., supervisor or internal affairs officer) may, after corroboration, rely upon findings and evidence obtained by and during other agency investigations.

b. The disposition of all crash inquiries/investigations will be classified using one of the following:

1) **Sustained**: Investigation disclosed that the alleged acts occurred and that the acts constituted misconduct.

2) **Not-Sustained:** Investigation failed to disclose sufficient information to clearly prove or disprove the allegation.

3) **Exonerated:** Investigation revealed that the alleged act occurred but the member's actions were justified.

4) **Unfounded:** Investigation revealed that the alleged acts did not occur.

5) **Not Involved**: Investigation established that the member who was subject of the complaint was not involved in alleged incident.

6) **Preventable:** A minor at-fault crash involving only a department vehicle(s) where no significant damage or physical injury occurs and occurs while a member is engaged in the performance of official duties. (Corrective action limited to coaching or training; repeated preventable crashes may impact take-home vehicle privileges.)

c. All sustained traffic crash inquiries/investigations fall under one of the following categories:

1) A minor traffic crash: A crash caused by inattention or slight negligence or carelessness, which does not have the potential for serious injury and involves less than $1,000 of property damage.

2) A more serious traffic crash: A crash caused by greater negligence or carelessness and which has an obvious potential for, or actually results in, injury or property damage.

3) A willful or wanton traffic crash: A crash that is caused by driving a vehicle in a reckless or irresponsible manner or with gross disregard for the safety of persons or property, or a traffic crash that exhibits willful or wanton abuse of authority in the operation of a patrol vehicle

10. **Investigative Regulations:**

a. Notification:

1) Complainant: The Bureau Commander or Internal Affairs Unit, respectively, shall be responsible for ensuring that individuals making external complaints are informed of the status of the complaint, specifically:

a) Verifying that the complaint has been received and is being investigated, or that an inquiry is, or has been made. [CALEA 52.1.5.a]

(1) If applicable, a *Personnel Complaint Acknowledgment Letter* and a brochure explaining the Department's complaint processing procedures shall be mailed to the complainant. [CALEA 52.1.12]

b) Ensuring that documentation of investigation resolved through a preliminary inquiry be maintained.

c) Periodically notifying the complainant of the status of the inquiry or investigation. [CALEA 52.1.5.b]

d) Notifying the complainant of the results of the inquiry or investigation. [CALEA 52.1.5.c]

2) Member: Prior to interviewing a member under investigation, the member: [CALEA 52.1.6]

a) Shall be informed of the nature of the investigation and names of all complainants;

(1) The timing of the notification should be as early as possible without compromising the investigation. The nature of the complaint and possible investigative techniques should be considered in determining the timing of the notification.

(a) The assigned investigator and the Internal Affairs Commander (IA Commander) should confer to determine the appropriate time to notify the member.

b) May review the complaint and all written statements made by the complainant and witnesses prior to the investigative interview of the member.

c) Shall be informed of their rights and responsibilities regarding the investigation.

(1) The Bill of Rights (FSS 112.532) extends only to non-probationary sworn Department members.

3) Chief: The Internal Affairs Unit shall regularly inform the Chief regarding complaints lodged against Department members. If the allegation is serious, the Chief shall be

informed as soon as practicable regarding the nature of the complaint. [CALEA 52.1.3]

b. Confidentiality: Any person who is a participant in an internal investigation who willfully discloses any information obtained pursuant to the agency's investigation (including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation) prior to closure of the investigation commits a misdemeanor of the first degree. (FSS 112.533 (4)) 1) Participant: **A participant includes the: complainant, the subject of the investigation, the investigator conducting the investigation, and any witnesses in the investigation.**

c. Harassment: No member will harass, abuse, or threaten any person who files a complaint or any other person associated with the complaint.

d. Duty to Comply/Cooperate: Department members shall answer fully and truthfully all questions pursuant to an administrative investigation relating to the performance of official duties.

1) Members who refuse to answer questions or make false statements will be subject to disciplinary action.

e. Time Periods: [CALEA 52.1.4]

1) Investigations should be completed within the following time frames:

a) **Minor:** 60 days (with a 60 day extension, if necessary).

b) **Major:** 90 days (with a 90 day extension, if necessary).

2) Internal Affairs, on behalf of the Chief, has the authority to determine if an allegation is minor or major for purposes of the above time limits.

3) The time limits shall not be applicable if the chief of police determines that an internal investigation would be compromised by notification or providing the reasons for extending an investigation.

11. **Criminal Incidents:** Complaints that allege criminal violations may be grounds for bringing criminal charges.

a. Concurrent Investigations: When an allegation of misconduct is criminal and also a violation of a Department rule, the investigations shall be separate.

1) The members assigned the criminal violation (whether conducted by GPD or an outside agency) shall investigate the incident as criminal matter; and members assigned the investigation of the Department rule shall only investigate the incident as violation of City policy or Department rule.

a) The criminal investigation will take precedence over the administrative investigation.

b) The IA Commander will determine the appropriate time to initiate the administrative investigation.

b. **Arrests:** In instances where it becomes necessary to obtain an arrest warrant or to arrest a Department member, the members making the arrest or obtaining the warrant shall, when practicable, immediately notify their bureau commander who will then notify the Chief and the Internal Affairs Commander (or the on-call Commander, if neither the Chief or the IA commander is available).

1) If an allegation has not already been filed as a consequence of the actions which led to the arrest, the Internal Affairs Unit shall issue a control number and make a report of a misconduct allegation.

c. **Rights:** Any member subject to a criminal investigation for an act of misconduct shall be afforded the same constitutional rights that apply to any other person subject to a criminal investigation.

d. **Superceding Investigation:** When an administrative investigation uncovers possible criminal activity on the part of a Department employee, the administrative investigation will be suspended until the IA COMMANDER has a consultation with the Chief and the State Attorney. The IA COMMANDER will determine when it is appropriate to continue with the administrative investigation.

12. **Request for Expedited Disposition of Internal Investigation:** The Request for Expedited Disposition of Internal Investigation (REDI) is a process offered to employees who do not contest the pertinent facts of an allegation of employee misconduct. The process is designed to significantly reduce the length of time it takes to complete an investigation.

a. **Eligibility:** Allegations that, if proven, could result in the employee's demotion or termination per disciplinary guidelines are not eligible for this process.

b. **Request Interval:** An employee may request this process after an Administrative Investigation Report Form has been completed by a complainant and prior to the interview of the accused employee.

c. **Request Method:** Eligible employees may request the REDI process by completing a REDI form and submitting it.

1) Members may obtain a copy of applicable forms and instructions from the GPD Department-Wide Teamlinks Drawer (Internal Affairs Forms folder), a union representative or the Internal Affairs Unit.

d. **Required Forms:** Include the REDI form, REDI informational sheet, Law Enforcement Officer's Bill of Rights form, and the Admonition for Member Under Investigation form.

1) The Law Enforcement Officer's Bill of Rights form, and the Admonition for Member Under Investigation form should be signed by the requesting employee or authorized Department representative, after ensuring that the employee has read and understood all respective information.

2) Members are cautioned to READ THE *REDI* INSTRUCTIONS CAREFULLY, and address any questions to the Internal Affairs Unit prior to deciding to request the process.

e. **Pre-Submission Review:** Employees should review their completed REDI forms with a representative or advisor of their choice prior to submitting them to their supervisor.

f. **Acceptance and Approval Required:** Since the submission of the REDI form is a request for a process, it must be accepted and approved by the Bureau Commander, Commander of Internal Affairs and the Chief of Police.

g. **Conducting the Investigation:** The REDI investigation may be conducted as any other IA investigation, except that the accused member's decision to not contest the pertinent facts of the allegation may substantially shorten, limit or curtail entirely the need for investigative findings of fact. The IA Commander's review and the Chief's approval are still required to finalize the disposition and corrective action portions of the investigation.

1) The grievance process is still available for any employee who wishes to contest the corrective action eventually issued which would normally be subject to the grievance process.

13. **Investigative Report:** Upon completing a Personnel Complaint investigation, the investigating member shall issue written findings, on the appropriate form, that provide a summary of the investigation. The summary shall: [CALEA 52.1.9]

a. Provide a brief explanation of how the investigator received the complaint, the nature of the complaint and the identification of the rules of conduct that may have been violated;

b. Provide the name of officer(s) involved and a synopsis of testimony;

c. Provide the name of witnesses and synopsis of testimony;

d. Provide supporting documentation, such as: police reports, photographs, computer records, video tapes, and taped radio transmissions.

14. **Recommendations:** Upon completion of the investigative report, the investigating member shall forward the investigative packet to the Internal Affairs Commander who, after consultation with the investigating member and the Chief of Police, shall provide a recommendation for disposition and corrective action, which shall be recorded on the approved form. The investigator's report and the IA Commander's recommendations, which shall reflect the member's disciplinary history, shall be transmitted to the Chief of Police.

a. **Findings:** The Internal Affairs Commander shall recommend a disposition based upon the following classification system:

1) **Not Involved:** Investigation established that the member who was subject of the complaint was not involved in an alleged incident.

2) **Unfounded:** Investigation revealed that the alleged acts did not occur.

3) **Exonerated:** Investigation revealed that the alleged act occurred but the member's actions were justified.

4) **Not Sustained:** Investigation failed to disclose sufficient information to clearly prove or disprove the allegation.

5) **Sustained:** Investigation disclosed that the alleged acts occurred and that the acts constituted misconduct.

6) **Policy Failure:** The allegations are true. The action of the employee was consistent with department policy but this policy itself was incorrect or deficient.

b. **Criteria:** If corrective action is warranted, the degree recommended shall be based upon the:

1) Severity and circumstances of the violation,

2) Disciplinary history of the Departmental member,

(Continued)

3) Recommended guidelines set forth in the Department manual and City policy.

c. **Fairness:** Depending on the particular factors and circumstances (as listed in "a" and "b" above) the standards of discipline for misconduct shall be consistent and sequential.

d. **Referral:** The Internal Affairs Commander shall report directly to the chief of police on all complaint- related matters and be responsible for:

1) Issuing of personnel complaint numbers.

2) Tracking all personnel complaint investigations.

3) Entering data of all disciplinary matters.

4) Maintaining all personnel complaint files.

5) Reviewing records and monitoring determinations of no misconduct and preliminary inquiries conducted by the Bureaus, and report on same to the Office of the Chief on a weekly basis.

6) Providing, on a monthly basis, a personnel complaint-tracking report to the Office of the Chief of Police pertaining to personnel complaint investigations outstanding for longer than 30 days.

7) Recommending dispositions and corrective action in completed internal affairs investigations;

8) Reporting to the Chief concerning the nature and disposition of Bureau determinations of no misconduct, inquiries, and investigations, and as appropriate, recommending changes to the Chief.

15. **Forms of Corrective Action:** As a means to enable members to perform their duties effectively and efficiently, the Department provides a system to counsel, train, and/or impose punitive action against members who have been identified as having specific deficiencies or committing acts of misconduct. [CALEA 26.1.4. a, b, c]

a. **Counseling and Training:**

1) **Purpose:** Counseling and training are to be viewed as positive (not punitive) and educational, the purpose of which is to improve skills and increase the ability to understand policies and properly follow procedures.

2) **Criteria:** Counseling and training may be provided when an investigation reveals that a member needs improved knowledge or skill in a specific area to enhance policy compliance.

a) A member is "deemed" to need improvement when an investigation determines that a member is deficient in a policy or procedural area.

3) **Implementation:** Counseling and training may be conducted by the member's supervisor, the Training Unit personnel, or any other person or source deemed appropriate. [CALEA 26.1.4.a, b]

b. **Punitive Action:** As a means to compel members to perform their duties in accordance with Departmental policies and procedures, the Department has adopted a system that uses punitive action as a function of discipline. [CALEA 26.1.4.c]

1) **Levels of Punitive Action:**

a) **Written Warning:** A Written Warning is not considered a first offense for the purpose of progressive disciplinary action.

b) **Written Instruction and Cautioning:** A Written instruction and Cautioning may be accompanied by any one, or more, of the following sanctions:

(1) **Probation:**

(2) **Forfeiture of annual leave hours:**

(3) **Suspension:** As a consequence of a sustained finding, a member may be suspended without pay for a length of time based on the criteria used to determine punitive action. [CALEA 52.1.8]

(a) **Notifying Members of Suspension:** Bureau commanders/ designees shall, pursuant to a suspension being identified in an Employee Notice (or other applicable document), and except in the case of an emergency suspension, ensure that the member is advised of:

I. The date(s) and time(s) the suspension is to occur,

II. The limits of the member's authority while under suspension,

III. What Department property shall be relinquished by the suspended member. The Bureau Commander shall ensure that concurrently with or after issuance of the employee notice to the member and in any event prior to the effectiveness of the suspension (other than an emergency suspension) the employee shall be given a reasonable opportunity to explain the employee's version of the facts surrounding the basis for the suspension.

(b) **Employees' Notices Imposing Suspension:** Shall be copied to the member's direct supervisor, and to the IA Unit for inclusion in the investigative file.

(c) **Authority of Members Under Suspension:** Suspended members shall have no police authority during the time of the suspension and will be required to submit the departmental police badge, identification, issued weapons, and departmental vehicle (if issued). The Internal Affairs Commander or designee, in consultation with the suspended member's bureau commander, shall collect and secure (or have secured) the property.

(d) **Hours of Suspension:** Members shall take suspension hours off consecutively, (unless otherwise authorized by the bureau commander) or unless a decision was made by the Chief to allow one suspension to run concurrently with another.

(e) **Restriction on Overtime:** Members are prohibited from working overtime assignments any time during the week(s) they are serving a suspension.

(i) For the purposes of this section, a week means seven consecutive days, Monday-Sunday.

(4) **Demotion:** Concurrent with or after the issuance of the Employee Notice imposing the demotion and prior to the proposed demotion, the member shall be given the

(Continued)

opportunity to be heard by the Chief of Police concerning the matter.

(5) **Dismissal:** When the Department terminates a member's employment, the following information shall be supplied to the employee: [CALEA 26.1.7]

(a) A written statement citing the reason for the dismissal, [CALEA 26.1.7.a]

(b) The effective date of the termination, [CALEA 26.1.7.b]

(c) A statement directing the employee to the appropriate source to ascertain the status of his/her fringe and retirement benefits, [CALEA 26.1.7.c]

(d) A statement as to the content of the employee's employment record pertaining to the circumstances of the dismissal. [CALEA 26.1.7.d]

16. **Guidelines for Discipline:** The following are guidelines set forth for imposing discipline, but they do not preclude the imposition of additional forms of discipline such as probation, demotion, or dismissal if the circumstances warrant such. Further, because circumstances vary, the Department retains the right to treat each violation on a case-by-case basis; and a particular finding does not create a binding precedent for deciding discipline for other subsequent cases or violations, but should be considered in similar cases.

a. **Minor Offenses:**

1) **Recommended Minimum Guidelines for Corrective Action:** For minor offenses, the guidelines for the standards of discipline are as follows:

a) **First Offense:** Verbal or Written Warning.

b) **Second Offense:** Written Instruction and Cautioning.

c) **Third Offense:** Written Instruction and Cautioning, with three days suspension.

d) **Fourth Offense:** Written Instruction and Cautioning, with up to one week suspension.

e) **Fifth Offense:** Written Instruction and Cautioning, with up to two weeks suspension, demotion, probation, or dismissal.

b. **Criteria:** In selecting corrective action the supervisor shall not:

1) Use prior infractions of the same rule that have occurred more than two years from the date of the current violation under consideration.

2) Use any verbal or written warning involving the same rule that occurred more than one year from the date of the current violation under consideration.

c. **Minor Offenses:** For the purpose of determining the level of discipline, the following are considered minor offenses:

1) Unsatisfactory appearance (body odor, unshaven, hair),

2) Carrying or wearing non-issue or unauthorized equipment,

3) Failure to wear proper uniform when required,

4) Failure to carry and maintain official equipment as required by rules,

5) Failure to carry regulation or specially authorized firearm(s) and ammunition,

6) Failure to maintain firearm in clean and good working condition,

7) Failure to report back in service immediately upon completing an assignment,

8) Failure to provide prompt, efficient and courteous service to the general public and Department members,

9) Inefficiency in job performance,

10) Rudeness towards other City employees, the public, or persons in custody,

11) Damage or loss of Departmental property, valued at less than $1,000 by the Department, through other than gross negligence,

12) Operating Departmental vehicles in a careless manner,

13) A minor traffic crash,

a) All vehicle crashes may involve additional investigations for other minor or major violations.

14) Failure to immediately advise the Department in writing of a change of address and/or telephone number,

15) Failure to maintain a telephone as required by Department policy,

16) Absence without approved leave or failure to report for duty (minor if approved by Bureau Commander),

17) Deficiencies in reports (Exception to 'minor' category: cases involving alleged civil rights violations and cases where the deficiency has resulted in a case being dismissed for lack of prosecutorial merit)

18) Failure to appear for a quasi-judicial (e.g., deposition) or non-criminal judicial proceeding (e.g., traffic court).

19) Failure to attend training.

20) Tardiness (not at level of Policy 19, Rule 11)

d. **Major Offenses**: The offenses listed in City of Gainesville Policy 19 are considered major offenses, and the standards of discipline are indicated for each individual violation noted (see GO 26.1).

1) A more serious traffic crash or a willful or wanton traffic crash.

2) Failure to appear at a quasi-judicial or non-criminal judicial proceeding more than twice in any 12 month period shall result in the third incident within the twelve month period being classified as a major violation.

3) Failure to appear for a criminal judicial proceeding is considered a major violation.

17. **Employee Notification**: Upon the completion of an investigation, the investigated member shall be promptly notified in writing of the results of the disposition and the level of discipline, if any, to be imposed.

a. Written Instruction and Cautioning imposing disciplinary actions involving suspension, probation, demotion, or discharge should be issued within 30 days from the time the Chief becomes informed of the findings.

b. Disciplinary measures that might result in loss of pay or benefits (such as dismissal, demotion, or suspension) shall not be imposed until the member has been notified of the action and the reasons for the action.

18. **Hearing/Appeal Process:**

a. **Suspension/Demotion:** At the time the notice of the impending suspension (other than emergency) is served, the issuing authority (whether the internal affairs investigator, bureau commander, or other supervisor) should give the accused member a reasonable opportunity to explain his/her version of the facts surrounding the accusations. After a member has been given an opportunity to be heard, such action as is deemed appropriate may be taken.

b. **Dismissal:**

1) **Scheduling:** Following the receipt of notice of termination, an informal conference with the Chief shall be scheduled no sooner than two days and no longer than five days from the service of the notice to allow the member an opportunity to rebut the charges contained in the Employee Notice.

2) **Finding:** After the informal conference and after considering the evidence, the Chief shall take such action upon the dismissal as deemed appropriate.

a) If the request is denied, the termination is finalized and the employee (if not probationary) may proceed with a grievance. (See City Policy #19).

c. **Grievance:** Any type of punitive action issued via a Written Instruction and Cautioning may be challenged through the grievance process. (See Grievance Procedure, GO 25.1, and bargaining agreements). [CALEA 26.1.6]

1) Written warnings are not considered discipline for the purpose of progressive disciplinary action; therefore, written warnings cannot be grieved.

19. **Complaint Review Board:**

a. **Function:** A sworn officer in permanent, non-probationary status may request the convening of a Complaint Review Board to review claims of misconduct made against him/her by person(s) outside the Department.

1) The Complaint Review Board acts in an advisory capacity and is separate and unrelated to any administrative investigative proceeding.

2) It is not available to contest disciplinary actions brought against an officer by the Department.

3) The Complaint Review Board process shall not interfere with the conduct of an internal affairs investigation or the grievance/ arbitration proceedings.

b. **How the Board Convenes:** The chief of police will convene a Complaint Review Board at the request of an officer, against whom an external complaint has been made.

c. **Member Eligibility:** The board shall be composed of law enforcement officers employed by any City within Alachua County, the Alachua County Sheriffs Department, or any state law enforcement agency, where the officer is stationed in Alachua County.

d. **Member Composition and Selection:** The board shall consist of two such law enforcement officers selected by the chief of police, two members selected by the requesting officer, and the fifth member to be selected by the other four.

1) As a first order of business, the board shall select a chairperson.

e. **Responsibilities:** The chairperson:

1) Is charged with conducting the proceedings in a fair and equitable manner;

2) Shall rule upon evidentiary or procedural matters.

3) Is responsible for compiling a report detailing the findings of the Board.

4) Shall submit the final report to the Chief of Police.

f. **Conditions of Operation:** The Complaint Review Board hearing is considered administrative and as such is not bound by strict rules of evidence prevailing in the courts of law or equity in the State of Florida. Hearsay evidence is admissible, but should not provide the only evidence upon which to base a recommendation. The board is within the purview of and subject to the provisions of the Sunshine Law, and all its meetings and proceedings must be open to the public at all times.

g. **Results:** The Chairperson of the Complaint Review Board will render his/her report/recommendation, noting split decisions, if any, to the chief of police upon completion of the hearing. The recommendations of the board are non-binding.

20. **Disciplinary Records Maintenance:**

a. **Records:** The Internal Affairs Unit shall securely keep all records of Personnel Complaints, investigations thereof, and associated findings of misconduct allegations lodged against departmental members. [CALEA 52. 1.10]

b. **Storage/Purge:** The records of misconduct investigations and inquiries shall be stored in the Internal Affairs Unit or Bureau Commander's office as appropriate and kept for a period of time as determined the State of Florida Records Retention Act and by department guidelines.

21. **Statistical Summary:** The Internal Affairs Unit shall compile a monthly and an annual statistical summary of the preliminary and Personnel Complaint investigations conducted by the Department,

(Continued)

which, upon request, shall be made available to the public and Department employees. The summary shall contain information pertaining to the number of: [CALEA 52. 1.11]

a. Internal and external complaints,

b. Findings per each classification (e.g., sustained, not-sustained, exonerated)

c. Written warnings,

d. Written instruction and cautioning,

e. Suspensions,

f. Terminations,

g. Resignations,

h. Demotions,

i. Accidents (at-fault and not at-fault),

j. Grievances,

k. Civil suits,

l. Firearm discharges (accidental and intentional).

By Order of:

Daryl H. Johnston
Chief of Police

PORT ST. LUCIE POLICE DEPARTMENT GENERAL GUIDELINE			
REFERENCE:	RESCINDS: 12/1/96	EFFECTIVE DATE: 10/27/98	G.G. NUMBER: 605
ACCREDITATION STANDARDS:		NO. OF PAGES: 5	REVISION NO.: 01
AWARDS			

CONTENTS This guideline consists of the following numbered sections:

I. PURPOSE
II. SCOPE
III. DISCUSSION
IV. ELIGIBILITY
V. AWARDS COMMITTEE
VI. DEGREE OF CITATIONS
VII. PROCEDURES FOR SUBMITTING RECOMMENDATIONS FOR AWARDS
VIII. ISSUANCE OF CITATIONS/AWARDS
IX. LETTERS OF COMMENDATION
X. POSTHUMOUS BESTOWING OF AWARDS
XI. COUNTY, STATE AND/OR NATIONAL RECOGNITION
XII. PLACEMENT OF AWARD PINS

I. PURPOSE:

The purpose of this general guideline is to establish an award system.

II. SCOPE:

This general guideline shall apply to all department employees.

III. DISCUSSION:

It is the policy of the department to recognize outstanding police service through the formal use of commendations. It is the intent of this police department to establish procedures for the recognition, selection and awarding of members and employees for commendatory acts of service. This policy shall provide the department with:

A. An Awards Committee to review documentation and selection of members and employees of the department for award citations in performing acts or services of a commendatory nature.

B. A credible manner for submitting and processing the recognition of acts of service or services of a commendatory nature.

C. Degrees of commendatory acts of service.

D. A type and style of citation given for each degree of commendatory act of service.

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IV. **ELIGIBILITY:**

All members of the Port St. Lucie Police Department are eligible to receive the appropriate citations described herein.

V. **AWARDS COMMITTEE**

The Chief of Police will appoint a ranking officer as the Chairperson of the Awards Committee. The Chairperson will then select six members (3 sworn, 3 civilian) of the Committee to be approved by the Chief of Police. These members will be selected from throughout the agency. The Chairperson will be the seventh member who will be a non-voting member, voting only in the case of a tie in the voting process. Members should be representative of the entire department and shall serve on a voluntary basis. The committee shall meet at the end of every quarter of the calendar year. The Awards Committee will have the authority to verify or clarify information pertaining to nominations by interviewing the award candidate or witnesses.

VI. DEGREE OF CITATIONS: (in descending order)

A. Medal of Honor - This is the highest award bestowed by the Port St. Lucie Police Department. It should be awarded only in exceptional cases where a hazardous duty is performed by a member who risks his/her life in so doing. The act shall be of such an extraordinary nature that the members expose themselves to peril, above and beyond the call of duty.

B. Exceptional Duty Citation - This citation shall be for a highly accredited or unusual act or accomplishment, bringing public acclaim to him/herself, the department, or the police profession as a result of devotion to duty of service to the public or performing an extremely laudable or extraordinary act.

C. Lifesaving Citation - This citation shall be awarded to an employee for an act, either on or off-duty, which through disregard of personal safety or prompt alert action prolongs or resuscitates a victim long enough for the victim to be declared stable and out of immediate danger and placed into the hands of competent medical care.

D. Wound Citation - This citation shall be awarded to an employee who has received an injury in the line of duty, inflicted intentionally by an armed adversary, resulting in severe puncture wounds, lacerations, fractures, or concussions being suffered by the nominee.

E. Officer of the Year - This award shall be presented to an officer as a result of personal accomplishment

F. Civilian Employee of the Year - This award shall be presented to a civilian member of the department as a result of personal accomplishment or a highly credited act or acts.

G. Officer of the Quarter - This awarded shall be presented each quarter to an officer of the department as a result of personal accomplishment or highly accredited acts.

H. Civilian of the Quarter - This award shall be presented to a civilian member of the department each quarter as a result of personal accomplishment or highly credited acts.

I. Educational Achievement Citation - This award shall be presented to an employee of the department who has accomplished a degree from an accredited school outside of the realm of their routine educational training requirements while employed by the department.

J. Commendation Citation - This award shall be presented to an employee or unit of the Department who performs an act of achievement that brings acclaim to the Department and the police profession or a creditable act in the line of duty unusual in nature showing initiative and accomplishment.

(Continued)

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K. Service Citation - This award shall be presented to an employee of the department who has continued service with the department. Awards will be given for five, ten, fifteen, twenty, and twenty-five years of service.

L. Blue/Gold Award - This award shall be presented to an officer by the Exchange Club for receiving an injury in the line of duty.

M. Administrative Excellence Citation - This award shall be bestowed upon the employee who has demonstrated a level of performance in an administrative capacity that goes above and beyond the normal performance of his or her duties.

N. Unit Citation - This award shall be issued to a group of employees acting together for a period of time to achieve a common goal. Employees who are awarded this citation may also be acknowledged with other citations simultaneously.

0. Problem Solving Award - This award shall be presented to the employee who applies extraordinary problem solving skills and resource utilization in bringing to successful resolution an ongoing community or organizational problem and is supportive through their daily performance of the Community Policing Philosophy. The accumulation of several POP Awards can be a basis for nomination for "The Thinker" award. In keeping with the philosophy of Neighborhood Oriented Policing, the Problem Solving Award was conceived to reward those individuals who have applied that "inner state" represented by "The Thinker" to the philosophy of "Problem Solving. "

P. POP Award - This award is presented to those officers who successfully completed a Problem Oriented Policing project. Successful completion is defined by the award criteria below. The award is intended to encourage all sworn and non-sworn employees to actively participate in departmental problem solving efforts. Criteria is as follows:

1. The "Problem Solving Action Plan" and "Narrative Summary" must be filled out legibly.
2. The officer's supervisor must be involved at all key points.
3. The summary must be understandable to all who read it.
4. The project officers must inform other officers about their problem solving efforts.
5. The project develops into a valuable training tool.

Q. Duplicate Citations - Duplicate awards will be indicated by a silver star in the center of the award pin, indicating two awards, and a gold star, indicating three or more awards.

VII. PROCEDURES FOR SUBMITTING RECOMMENDATIONS FOR AWARDS:

A. Any employee of the Port St. Lucie Police Department, or any other citizen may initiate a "Recommendation for Award" form. No employee may recommend him/herself.

B. The "Recommendation for Award" form shall be initiated within 90 days of the date of the final disposition of the case for which the award is recommended.

C. The individual making the recommendation shall complete the "Recommendation for Award" form and submit it to the appropriate division commander for a second endorsement. This form shall include the case number, an attached copy of the report and any other pertinent information relating to the incident. The division commander, after endorsing the recommendation, will forward all the necessary information and the application to the Office of the Chief of Police for appropriate action.

D. The Chief of Police may, at his discretion, initiate an investigation into the circumstances surrounding the action which resulted in the employee being recommended for an award. At the completion of his inquiry and endorsement, the award recommendation will be forwarded to the Awards Committee for further action.

(Continued)

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E. If after reading the recommendation for an employee, the Awards Committee may decide that a higher or lower degree citation is warranted. If this is the case, they may so adjust the recommendation.

1. The Awards Committee shall, by a simple majority vote, either approve or disapprove a recommendation for an award.

2. In either case, the recommendation shall be submitted to the Chief of Police within one week of the committee's decision.

F. The Chief of Police can either approve or disapprove the committee's recommendation. Either way, the employee recommended for the award should be advised of the decision. In all cases the decision of the Chief of Police shall be final.

G. In the event that an Awards Committee member is recommended for an award, that committee member will be disqualified from voting for that category.

VIII. ISSUANCE OF CITATIONS/AWARDS:

A. Upon issuance of any citation or award, the following will be adhered to:

1. A copy of the citation shall be made a permanent part of the member's personnel file.

2. The member receiving the citation/award shall be given the original.

3. All commendations, letters of appreciation, awards, etc., shall be posted on the department's bulletin committee for general information.

B. The member or employee receiving the award shall be formally recognized at an official department awards ceremony.

C. A press release will be prepared and circulated to all news media outlining the accomplishments of the individual.

1. A copy of this press release may be sent to the employee's home town newspaper.
2. A copy of this press release shall also become a permanent part of the employee's personnel file.

IX. LETTERS OF COMMENDATION:

A. Criteria for submitting letters of commendation from supervisory personnel:

1. Letters of commendation originating from a supervisor shall be addressed to the Chief of Police and a copy given to the officer. The letter shall be routed through the chain-of-command and shall not be delayed while enroute without an acceptable explanation given to the original author of the commendation.

2. Letters of commendation from supervisors should be limited to acts that are above and beyond the regular call of duty. Exceptional dedication from sworn personnel to routine duty should be reflected in periodic efficiency ratings.

3. Once the Chief of Police has received and acknowledged the letter of commendation, the original shall be filed in the officer's personnel file and a copy forwarded to the officer.

B. Letters of commendation originating from citizens shall be routed to the Chief of Police. If the letter is received by the officer being commended or his/her supervisor, it should be forwarded via the chain of command to the Chief of Police to be placed into the officer's personnel file.

(Continued)

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C. Plaques, letters of commendation, or certificates of appreciation for acts performed above and beyond the call of duty should be brought to the attention of the Office of the Chief of Police and the Public Information Coordinator so their actions will be appropriately noted.

X. POSTHUMOUS BESTOWING OF AWARDS:

The awards herein described, may be awarded posthumously to the surviving next of kin. These awards will be presented by the Chief of Police.

XI. COUNTY, STATE AND/OR NATIONAL RECOGNITION:

When appropriate, this department shall submit an individual's name to an official group seeking to recognize meritorious law enforcement service. A copy of such submission shall become a permanent part of the individual's personnel file.

XII. PLACEMENT OF AWARD PINS:

All award pins, will be worn centered over the right breast uniform pocket, no more than two abreast. The highest ranking award will always be worn at the highest level and to the wearer's right.

John M. Skinner
Chief of Police

10/27/98
Authorization Date

Areas for Future Research

Throughout this Self Assessment Guide, we have made every effort to incorporate up-to-date knowledge pertaining to the various topics, on the basis of current social scientific research. However, in the process of reviewing the relevant literature, we were discouraged by the relative paucity of information available. Although some topics have received limited empirical attention (such as the comparative performance of male and female officer), much of this research is outdated and fails to reflect many of the fundamental changes in modern policing. Other topics have not been researched at all, or have been the focus of very few and/or flawed studies. Clearly, there is an urgent need for systematic investigation of all the issues outlined in this Self Assessment Guide, but some areas of critical concern include:

- **Excessive Force by Gender**
  Although recent research funded by the National Institute of Justice and others has expanded our understanding of use of force, there is still little known about excessive force and the complex role that officer gender plays in these incidents. For example, how does gender interact with other characteristics to determine the decision-making and behavior of officers? Research currently demonstrates that male and female officers use force similarly in the course of routine duties, but women are less likely to engage in force that is excessive and/or deadly. As revealed in a recent study by the *National Center for Women & Policing and the Feminist Majority Foundation*, this results in substantially less financial liability to departments with female officers. However, it raises important questions for future research about how and why female officers employ force differently than their male counterparts.

- **Citizen Complaints About Officer Misconduct**
  To date, research has not systematically investigated the role of gender in officer misconduct and citizen complaints. Although the fewer/smaller payouts for female officers would seem to suggest that women are less likely to be involved in police misconduct, this possibility needs to be explored in future large-scale research.

- **Abuse of Authority**
  Similarly, there currently exists no research examining the question of gender in police abuse of authority. Given the documentation of differences in related areas of police performance, it is reasonable to export similar divergence in the likelihood that male and female officers will abuse their professional authority. However, the issue remains for future research, with important implications for departments nationwide.

- **Recruitment and Retention of Women**
  Given the longstanding call to recruit and retain more women officers, it is rather surprising that virtually no social scientific inquiry has been conducted to reveal the most effective means for doing so. An outstanding exception is seen in the recent work by Colonel Deborah Campbell of the New York State Police. However, much further research is needed to reveal why women are attracted to policing, what barriers currently exist for their recruitment and retention, and how best to overcome these barriers and facilitate successful professional socialization.

- **Discrimination and Harassment of Women Officers**
  A great deal of research exists documenting the discrimination and harassment of women in other professions, yet there is surprisingly little that examines their unique aspects in the law enforcement context. For example, what are the specific forms of discrimination and harassment experienced by women officers, and how does this differ across the various types of agencies? What is the impact of these experiences on a range of personal and professional outcomes? How can departments best prevent these behaviors, and how can they identify and address them when they do occur?

- **Domestic Violence in Police Families**
  While a small amount of research has attempted to document the prevalence and impact of the problem, serious flaws in design, measurement, and interpretation limit this work. Future study is needed to better understand this phenomenon and to investigate the potential link between violent behavior at home and on the job. For example, are the police officers who use violence in their families the same individuals who use excessive force on the streets? Are they the same officers who sexually harass or otherwise discriminate against their female colleagues? If so, what are the most effective strategies for identification and intervention with these individuals?

These and other research questions have the potential to generate much needed insight into the experiences of men and women in contemporary law enforcement. The National Center for Women & Policing is currently pursuing funding and research partnerships to undertake some of this work, but we encourage others in the field to actively engage these important issues. Only then will we understand the complex reality faced by women officers, and be able to design effective interventions for their recruitment, retention, and fair treatment.

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1. Please tell us what you thought was the most useful aspect of the Self-Assessment Guide. Why?

2. Please tell us what you thought was the least useful aspect of the Self-Assessment Guide. Why?

3. What additional information would help you apply these ideas to your agency?

4. How do you plan to use this guide and with whom do you expect to share it?

5. Please list below information about any promising practice or program you think we should include in future research. Include name of program, coordinating agency, contact information, and a brief description of program:

_____

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6. Any other comments, suggestions, ideas for improvement?

_____

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Thank you for taking the time to answer these questions. We will keep you informed about new developments related to the National Center for Women & Policing.

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